

FILED
7/11/2019 12:27 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
20192002942

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, SECOND DISTRICT**

VILLAGE OF WINNETKA)

Plaintiff,)

v.)

SB ONE WINNETKA, LLC, SB WINNETKA,)
LLC, SIGNATURE BANK, T2 WINNETKA I)
LLC, ROMSPEN MORTGAGE LIMITED)
PARTNERSHIP, SOWLAT ENGINEERS, P.C.,)
OKRENT KISIEL ASSOCIATES INC., LUCIEN)
LAGRANGE STUDIO, LLC, AND UNKNOWN)
OWNERS AND NON-RECORD CLAIMANTS)

Defendants.)

20192002942

20192002942

Case No. _____

Return Date: 8/16/2019

Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

VERIFIED COMPLAINT
FOR REMEDIATION OF UNSAFE PROPERTY AND INJUNCTIVE RELIEF

The Village of Winnetka (“*Village*”), an Illinois home rule municipal corporation, for its complaint against SB One Winnetka, LLC (“*SB One*”), SB Winnetka, LLC (“*SB Winnetka*”), Signature Bank (“*Signature*”), T2 Winnetka I LLC (“*T2 Winnetka*”), Romspen Mortgage Limited Partnership (“*Romspen*”), Sowlat Engineers, P.C. (“*Sowlat*”), Okrent Kisiel Associates Inc. (“*Okrent*”), Lucien LaGrange Studio, LLC (“*LaGrange Studio*”), and Unknown Owners and Non-Record Claimants (collectively, the “*Defendants*”), alleges as follows:

COUNT I

Remediation of Unsafe Structures and Injunctive Relief - Illinois Municipal Code

1. The Village is an Illinois home rule municipal corporation duly organized and existing under the laws of the State of Illinois, and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and other applicable statutes of the State of Illinois.

2. On information and belief, SB One Winnetka, LLC is the record title owner of properties commonly known as 511-515 Lincoln Avenue and 714-732 Elm Street, Winnetka, Illinois (“SB One Property”) and SB Winnetka LLC is the record title owner of the property commonly known as 740 Elm Street, Winnetka, Illinois (“SB Winnetka Property”), each legally described in the attached **Exhibit A** and corresponding to property index numbers 05-21-109-017-0000, 05-20-213-005-0000, 05-21-109-012-0000, 05-21-109-003-0000, 05-20-213-006-0000, and 05-21-109-020-0000 (The SB One Property and SB Winnetka Property are collectively referred to as the “*Property*”, and SB One Winnetka, LLC and SB Winnetka LLC are collectively referred to as “*Owners*”).

3. On information and belief, Signature has an interest in the Property pursuant to that certain Mortgage recorded against the Property with the Cook County Recorder on November 19, 2013 as document number 1332341094 and as modified pursuant to recorded document number 1633449401, and that certain Assignment of Rents recorded on November 19, 2013 as document number 1332341095.

4. On information and belief, T2 Winnetka has an interest in the Property pursuant to that certain Mortgage recorded against the Property with the Cook County Recorder on February 20, 2018 as document number 1805119063.

5. On information and belief, Romspen has an interest in the Property pursuant to that certain Mortgage recorded against the Property with the Cook County Recorder on February 16, 2017 as document number 1704719193.

6. On information and belief, Sowlat has an interest in the Property pursuant to that certain mechanic's lien claim recorded against the Property with the Cook County Recorder on August 3, 2018 as document number 1821519298.

7. On information and belief, Okrent has an interest in the Property pursuant to that certain mechanic's lien claim recorded against the Property with the Cook County Recorder on March 1, 2019 as document number 1906013111.

8. On information and belief, LaGrange Studio has an interest in the Property pursuant to that certain mechanic's lien claim recorded against the Property with the Cook County Recorder on May 17, 2019 as document number 1913713000.

9. The Property is improved with several vacant commercial structures ("*Structures*"), and is slated for redevelopment pursuant to that certain Amended and Restated Development Agreement between the Village, SB One, and SB Winnetka dated as of October 16, 2018 and recorded with the Cook County Recorder of Deeds as document number 1833016077 ("*Development Agreement*").

10. Pursuant to the authority granted by the Illinois Municipal Code, including, without limitation, 65 ILCS 5/1-3-1 *et seq.*, and sections 15.16.020 and 15.08.080 of the Winnetka Village Code ("*Village Code*"), the Village has adopted by reference the 2009 International Fire Code ("*IFC*"), and the 2009 International Property Maintenance Code ("*IPMC*"). The adoption by the Village of the IFC and the IPMC is pursuant to, and part of, the Village's regulations concerning building and construction within the Village as codified in Title 15 of the Village Code (collectively, the "*Building Regulations*").

11. Section 110.1 of the IFC, as codified within the Building Regulations, defines the conditions of an unsafe structure as follows:

“Sec. 110.1.1 Unsafe Conditions. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

12. Section 116.1 of the IPMC, as codified within the Building Regulations, defines the conditions of an unsafe structure as follows:

“Sec. 116. Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

13. The Property is located within the Village’s boundaries and is therefore subject to the Building Regulations.

Inspections and Observation of Violations at the Property

14. On December 10, 2018, Village Fire Inspector Randy Fromm spoke in person at the Property with Bill Houle, a representative of the Owners serving as property manager for the Property, and conducted a fire compliance inspection at 718-732 Elm locations within the Property pursuant to the Village Code. (Group Exhibit B, pp. 1-2).

15. As a result of the December 10, 2018 inspection, Inspector Fromm determined that the fire alarm system was not being properly maintained and that multiple false alarms for that portion of the Property were resulting from the lack of alarm system maintenance.

16. On December 17, 2018, Deputy Fire Chief (“DC”) John Ripka spoke by telephone with Skeet Walker, a representative of the Owners, regarding maintenance of the alarm system and related false alarms for the Property. (Group Exhibit B, p. 3).

17. On December 18, 2018, DC Ripka sent an email to Houle, Walker, and David Trandel, a representative of the Owners, further explaining the issues with the lack of alarm system maintenance and related false alarms, and directed the owners to make repairs to bring the fire alarm system into compliance with the Village Code. (Group Exhibit B, p. 4).

18. On December 19, 2018, DC Ripka sent a letter by certified mail to Trandel ordering completion of the necessary repairs to the fire alarm systems at the Property by December 27, 2018. (Group Exhibit B, pp. 5-6).

19. On December 27, 2018, DC Ripka sent an email to Walker requesting an on-site meeting at the Property to review the status of the fire alarm systems, but received no response. (Group Exhibit B, p. 7).

20. On January 23, 2019, DC Ripka met Houle at the 515 Lincoln address within the Property, observed broken water and sprinkler pipes in the structures at the Property, and explained to Houle the need for continued maintenance of the heat, water, sprinkler, and other building systems within the structures at the Property (Group Exhibit B, p. 8); during the January 23, 2019 on-site meeting, Houle responded to DC Ripka that he had limited ability to fix the building systems because there were no funds available for repairs..

21. Also on January 24, 2019, Village Fire Inspector Terry Wilson emailed Houle concerning multiple calls the Village received on January 23, 2019 concerning a broken water pipe and flowing water at the property; Inspector Wilson included his previous February 15, 2018 letter to Houle detailing his recommendations to the Owners concerning care of the vacant structures at the Property. (Group Exhibit B, pp. 9-11).

22. On January 28, 2019, DC Ripka spoke to Walker via telephone, and Walker stated the Owners were working to resolve the ongoing compliance issues at the Property; DC Ripka sent an email to Fire Chief Berkowsky summarizing the conversation.

23. On February 7, 2019, DC Ripka and Inspector Fromm conducted follow up inspections of the Property and photographed the then-current conditions of the structures on the Property. (Group Exhibit B, pp. 12-21).

24. On February 13, 2019, DC Ripka spoke to Walker and sent Walker a follow-up email concerning the status of the fire alarm system and sprinkler system at the Property. (Group Exhibit B, p. 22).

25. On February 20, 2019, DC Ripka, Village Director of Community Development David Schoon, Chief Berkowsky, and Walker met at Village Fire Station 28 to discuss code compliance issues at the Property; at the February 20, 2019 meeting, Walker was advised that the heating/ventilation./air conditioning (“HVAC”) system, fire alarm system, and sprinkler systems all required immediate repair and that all combustible materials within the structures on the Property required immediate removal; Walker agreed to repair the systems and remove the combustible material. (Group Exhibit B, p. 23).

26. On February 25 and 27, 2019, Walker sent an email to Chief Berkowsky, DC Ripka, Director Schoon and Trandel regarding status of repairs to the HVAC, fire alarm, and sprinkler systems at the Property, which remained incomplete. (Group Exhibit B, pp. 24-26).

27. On April 3, 2019, DC Ripka generated an alarm log identifying portions of the fire alarm system at the Property that were either out of service or required maintenance or repair based on receipt of false alarms.

28. On April 4, 2019, DC Ripka, Inspector Fromm, Director Schoon, Assistant Director of Community Development (“AD”) Brian Norkus, Walker, and alarm company representative Rick Ruh met at the Property and walked through each of the structures at the Property to check the operational status of systems at the Property and the level of completion of required repairs; DC Ripka provided a written status update to Chief Berkowsky concerning the meeting. (Group Exhibit B, p. 29).

29. On April 11, 2019, DC Ripka emailed Walker identifying some progress in the necessary repairs at the Property and setting a follow-up date of April 18, 2019. (Group Exhibit B, p. 30).

30. On April 18, 2019, DC Ripka emailed Walker and stated that building systems at the Property were not yet fully operational, and that past due alarm fees were causing issues getting a new fire monitoring radio installed for the 740 Elm portion of the Property. (Group Exhibit B, pp. 31-32).

31. Communication from the Owners to the Village concerning the necessary repairs then grew far less frequent.

32. On April 23 and 30, 2019, DC Ripka emailed Walker requesting updates on the status of compliance at the Property but received no response to either email. (Group Exhibit B, pp. 33-35).

33. On May 1, 2019, DC Ripka emailed Walker requesting an update on the status of compliance at the Property, noting that it appeared all work had stopped, but again received no response. (Group Exhibit B, p. 36).

34. On May 9, 2019, Walker responded to DC Ripka’s emails, stating the Owners were waiting on money to make the required repairs. (Group Exhibit B, p. 37).

35. On May 29, 2019, DC Ripka spoke with Walker by phone to advise Walker that an inspection to check compliance with the Building Regulations would proceed on May 30, 2019 and confirmed their conversation with a follow-up email to Walker. (Group Exhibit B, p. 38).

36. On May 30, 2019, Village staff inspected all structures on the Property for status updates and noted that the HVAC, fire alarm, and sprinkler systems were still not operational; the inspection further revealed the presence of mold within the structures, the continued storage of combustible materials, and numerous broken windows and doors. (Group Exhibit B, pp. 39-74).

37. During the May 30, 2019 inspection, Village staff conducting the inspection encountered Houle, who had responded to the Property to secure multiple open doors after receiving reports of vandalism at the Property from the Winnetka Police Department.

38. On June 7, 2019, DC Ripka spoke to Walker regarding the ongoing maintenance issues at the Property, including the properties at 513-515 Lincoln within the Property, explaining that the odor of mold can be smelled on the sidewalk outside the building and was visible from the public street; Walker stated he understood the concerns and would attempt to spray down the mold with a bleach product.

39. On June 8, 2019 at approximately 9:28 p.m., the Village Police Department responded to complaints of three juveniles walking through the interior of the structure at 511 Lincoln within the Property, made contact on-site with the juveniles, confirmed the juveniles entered the Property through unsecured entrances to the structure, warned the juveniles and escorted them off-site.

40. On June 11, 2009, Director Schoon, AD Norkus, and Village Code Enforcement Officer Alex Panek visited the Property in light of the report of juveniles accessing the Property through unsecured entrances; after the visit and on the same day, AD Norkus sent Walker an email with photographs of the Property and the need for cutting of weeds and general cleanup at the Property. (Group Exhibit B, pp. 75-79).

41. On or about June 11, 2019, utility service to the Property was partially shut down in coordination with the Village Fire Department, including maintaining power to functional fire alarms at 511 Lincoln, 513-15 Lincoln, and 714-716 Elm within the Property, allowing for the shutdown of non-functional alarm systems at 718-732 Elm and 740 Elm, and allowing for water shutoff to all structures on the Property.

42. On June 12, 2019, AD Norkus sent Walker and Trandel a follow-up email about the unsecured doors at the Property and enclosed photographs of examples of unsecured doors. (Group Exhibit B, pp. 80-83).

43. On June 17, 2009, Director Schoon sent Walker and Trandel an email requesting an update concerning securing the buildings, covering windows, and removing rubbish. (Group Exhibit B, pp. 84-85).

44. On June 19, 2019, Director Schoon emailed Walker and Trandel to report that when Village meter readers arrived that day at the 714-716 Elm structure within the Property, they discovered standing water in a room in the rear of the basement and assessed that the sump pump in the structure was no longer operating and thus ground water was collecting in the basement; Director Schoon requested Walker and Trandel meet on site tomorrow to confirm the assessment of the meter readers. (Group Exhibit B, pp. 86-87).

Unsafe Property Determination and Notice

45. Pursuant to the authority granted by the Illinois Municipal Code, including but not limited to 65 ILCS 5/1-3-1 *et seq.*, the Village enacted Title 15 of the Village Code, entitled “Buildings and Construction.” Title 15 of the Village Code governs and regulates all building and construction and includes, without limitation, the adoption unoccupied, incomplete, and hazardous buildings, structures, and their accessory structures located within the Village’s boundaries. The Property is located within the Village’s boundaries and is thus subject to the requirements of Title 15 of the Village Code, including without limitation Sections 15.08.080 and 15.16.010, which incorporate the IPMC and IFC.

46. On June 20, 2019, pursuant to, and in accordance with the requirements of, §11-31-1 of the Illinois Municipal Code, 65 ILCS 5/11-31-1 (the “Unsafe Property Statute”) and §§ 15.08.080 and 15.16.010 of the Village Code, the Village gave Defendants notice by letter, mailed via first class and certified mail return receipt requested, to the last known address of each Defendant, that the Property has been and is in a dangerous and unsafe condition that must be corrected (the “Unsafe Property Notice”). True and correct copies of the Unsafe Property Notice and proof of service of the notice are attached as **Exhibit C**.

47. Pursuant to the Unsafe Property Notice, the Village identified numerous unsafe conditions in violation of the Building Regulations (collectively, the “*Violations*”) including, without limitation, the following:

IFC 110.1 General

- The Property is in violation of Section 110.1 of the IFC in that:
 - Multiple buildings have broken pipes, broken windows, and holes in the roof causing large amounts of water damage and mold growth throughout the structure.

IFC 110.1.1 Unsafe Conditions

- The Property is in violation of Section 110.1.1 of the IFC in that:

- The structures have not been maintained and secured properly leading to water damage and a large amount of mold growth throughout that is hazardous to firefighters and police officers who need to enter the structures due to calls of trespassers, broken pipes, animal and bird complaints, or any similar issues.

IFC 110.3 Summary Abatement

- The Property is in violation of Section 110.3 of the IFC in that:
 - Bacterial growth issues need to be remediated

IFC 110.4 Abatement

- The Property is in violation of Section 110.4 of the IFC in that:
 - Bacterial growth issues need to be remediated

IFC 311.2.2 Fire Protection

- The Property is in violation of Section 311.2.2 of the IFC in that:
 - Fire alarm and/or sprinkler systems on all properties are inoperable or out of service with outstanding fire alarm monitoring bills.
 - 513-515 Lincoln – fire alarm and sprinkler system are out of service – all conditions
 - 740 Elm – fire alarm system inoperable
 - 714-716 Elm – fire alarm out of service – fire trouble
 - 718-732 Elm – fire alarm out of service - all conditions

IFC 311.3 Removal of Combustibles

- The Property is in violation of Section 311.3 of the IFC in that:
 - All properties have combustible materials and/or rubbish stored inside.

IFC 901.6 Inspection testing and maintenance

- The Property is in violation of Section 901.6 of the IFC in that:
 - Most properties experienced multiple broken water pipes due to lack of heat over the winter months.
 - 511 Lincoln – broken sprinkler and water pipes

- 513-515 Lincoln – broken sprinkler and water pipes
- 740 Elm – broken water pipes
- 714-716 Elm – broken water pipes
- 718-732 Elm – broken sprinkler and water pipes.

IPMC 116.1 Conditions

- The Property is in violation of Section 116.1 of the IPMC in that:
 - The structures at the Property are unsafe, insanitary, constitute a fire hazard, and are dangerous to human life or the public welfare.
 - The structures at the Property are inadequately maintained and are open to the elements
 - The structures at the Property are vacant and are not secured against entry.

IPMC 304.7 Roof and Drainage

- The Property is in violation of Section 304.7 of the IPMC in that:
 - Roofs are leaking evidenced by presence of moisture, bacterial growth, and decaying ceiling tiles

IPMC 304.13 Window, Skylight, and Door Frames

- The Property is in violation of Section 304.13 of the IPMC in that:
 - Many windows are broken and boarded up. Some of the boarded up windows contain openings that allow rain/snow and birds to enter the buildings

IPMC 304.13.1 Glazing

- The Property is in violation of Section 304.13.1 of the IPMC in that:
 - Many windows are broken and boarded up. Some of the boarded up windows contain openings that allow rain/snow and birds to enter the buildings

IPMC 305.3 Interior Surfaces

- The Property is in violation of Section 305.3 of the IPMC in that:
 - Bacterial growth is occurring on wall and ceiling surfaces.

- Drop ceiling tiles are deteriorating and falling to the floor

IPMC 308.1 Accumulation of Rubbish or Garbage

- The Property is in violation of Section 308.1 of the IPMC in that:
 - Rubbish has accumulated on floors of building spaces

IPMC 604.3.1.1 Electrical Equipment

- The Property is in violation of Section 604.3.1.1 of the IPMC in that:
 - Given the leaking roof and the broken sprinkler heads, electrical equipment has been exposed to water and should be examined to determine its compliance with Code

48. On July 2, 2019, Director Schoon, Assistant Village Manager Megan Pierce, Chief Berkowsky, and DC Ripka met with Walker and Trandel regarding the status of the Violations at the Property; Walker and Trandel agreed to accomplish remediation including removing combustibles mitigating mold issues, properly securing the property and restoring functional alarm systems within the following 5-10 business days, and agreed to provide a specific timeline to correct the Violations by July 3, 2019. (Group Exhibit B, p. 88).

49. On July 5, 2019, Walker provided a status report that provided a partial update concerning the Violations but did not address issues concerning standing water and the abatement of mosquitos at the property. (Group Exhibit B, pp. 89-90).

50. On July 9, 2019, Director Schoon advised Walker that, in light of the lack of response to mosquito abatement at the Property, the North Shore Mosquito Abatement District had treated the site to control mosquitos; in response, Walker provided a status report with additional partial updates about the ongoing Violations. (Group Exhibit B, pp. 91-93).

51. More than 15 days have passed since the Village served the Notice of Unsafe Property on Defendants on June 20, 2019 and, to date, Defendants have not remediated the Violations described in the Unsafe Property Notice.

52. Pursuant to the Unsafe Property Statute, the Village is authorized to apply to the Court for an order (a) requiring the owner of record of the Property (i) to remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the Property, (ii) to repair all structures on the Property, or (iii) to remediate the conditions of the Property up to and including the demolition of the existing structures or (b) authorizing the Village: (i) to remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the Property, (ii) to repair the Property, or (iii) to remediate the Violations up to and including the demolition of all structures on the Property at Defendants' sole cost and expense.

53. Furthermore, pursuant to the Unsafe Property Statute, the Court is required to expedite the hearing on the Village's application and give such hearing precedence over all other suits. 65 ILCS 5/11-31-1(a).

54. Jurisdiction and venue are proper in this county pursuant to §2-101 of the Illinois Code of Civil Procedure, 735 ILCS § 5/2-101 *et seq.*, and pursuant to the Unsafe Property Statute, because the Property is located in Cook County, Illinois. Venue is proper before this court pursuant to Circuit Court of Cook County General Order 1.2,2.3(b)(6).

WHEREFORE, Plaintiff, the Village of Winnetka, respectfully prays as follows:

- a. That the hearing on this matter be expedited and given precedence over all other suits, in accordance with the requirements of the Unsafe Property Statute;
- b. That the Court permanently enjoin the Defendants from continuing to maintain, or use the Structures and Property in violation of the Building Regulations, as described herein;

- c. That the Court enter an order:
 - i. Authorizing and directing the Village to take any and all necessary steps to remediate the Violations at the Property; or
 - ii. In the alternative, requiring that Defendants, on or before a date certain not later than 30 days after the date of the Court's order, repair or remediate, or cause the repair or remediation, of the Structures and the Property in order to bring the Structures and Property into compliance with the Building Regulations, and, if the Defendants fail to do so, authorizing the Village immediately, without further action of the Court, to repair or remediate, or cause the repair or remediation of, the Structures and the Property;
- d. That the Court enter an order requiring that the Village's Costs be recovered from any owner and be made a first lien upon the Property superior to all prior existing liens and encumbrances, except taxes, all in accordance with the requirements of the Unsafe Property Statute; and
- e. That the Court order such other and further relief as it deems appropriate.

COUNT II – COSTS AND ATTORNEYS' FEES

55. The Village adopts and incorporates paragraphs 1-54 of Count I as paragraphs 1-54 of Count II, as if fully re-stated herein.

56. Pursuant to the Unsafe Property Statute, the cost of any corrective action or demolition incurred by the Village, including among other things court costs, attorney's fees, and other costs related to the enforcement of the Unsafe Property Statute (collectively, the "Village's Costs"), shall be recoverable from the owner or owners of record of the Property. 65 ILCS 5/11-31-1(a).

57. The Village respectfully requests that the Court enter an award of the Village Costs in the amount to be subsequently presented in the Village's Petition for Costs and Fees.

WHEREFORE, Plaintiff, the Village of Winnetka, respectfully prays as follows:

- a. That the hearing on this matter be expedited and given precedence over all other suits, in accordance with the requirements of the Unsafe Property Statute;

- b. That the Court permanently enjoin the Defendants from continuing to maintain, or use the Structures and Property in violation of the Building Regulations, as described herein;
- c. That the Court enter an order:
 - i. Authorizing and directing the Village to take any and all necessary steps to remediate the Violations at the Property; or
 - ii. In the alternative, requiring that Defendants, on or before a date certain not later than 30 days after the date of the Court's order, repair or remediate, or cause the repair or remediation, of the Structures and the Property in order to bring the Structures and Property into compliance with the Building Regulations, and, if the Defendants fail to do so, authorizing the Village immediately, without further action of the Court, to repair or remediate, or cause the repair or remediation of, the Structures and the Property;
- d. That the Court enter an order requiring that the Village's Costs be recovered from any owner and be made a first lien upon the Property superior to all prior existing liens and encumbrances, except taxes, all in accordance with the requirements of the Unsafe Property Statute; and
- e. That the Court order such other and further relief as it deems appropriate.

COUNT III
Fines and Penalties – Violations of the Building Regulations

58. The Village realleges Paragraphs 1 through 57 of Count II of its Complaint as Paragraphs 1 through 57 of Count III as if fully set forth herein.

59. The Village has repeatedly notified the Owners of the Violations, but the Owner has failed to bring the Property and Structures into compliance with the Building Regulations.

60. Pursuant to §15.04.110 of the Village Code, any person who violates any provision of the Building Regulations shall be subject to a fine not to exceed \$750.00 for each day that a violation exists, and each act of violation and each day that a violation continues after written notice has been served shall constitute a separate offense.

61. The Owners' refusal to comply with the directives of the Village to remedy or otherwise abate the Violations has been and continues to constitute numerous, separate and independent violations of the Building Regulations for which they are liable for fines in an amount not to exceed \$750.00 for every day, and for each separate violation, since June 20, 2019, which date was the latest possible date on which the Owner first became aware of the Violations.

WHEREFORE, Plaintiff, the Village of Winnetka, prays as follows:

- a. That the Court, for each separate violation of the Building Regulations, award the Village fines against the Owners in an amount not to exceed \$750.00 for each day that the Property is in violation of each particular provision of the Building Regulations, beginning on the date on which the Owner first became aware of the Violations;
- b. That the Court enter an order requiring that the Village's Costs be recovered from any owner and be made a first lien upon the Property superior to all prior existing liens and encumbrances, except taxes, all in accordance with the requirements of the Unsafe Property Statute; and
- c. That the Court order such other and further relief as it deems appropriate.

PLAINTIFF
THE VILLAGE OF WINNETKA

By: /s/ Andrew N. Fiske
One of its attorneys


Peter M. Friedman
Andrew N. Fiske
Holland & Knight LLP
150 N. Riverside, Suite 2700
Chicago, IL 60606
Attorney I.D #37472

VERIFICATION

Under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing Verified Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

THE VILLAGE OF WINNETKA

By:



Alan Berkowsky
Fire Chief, Village of Winnetka

EXHIBIT A

LEGAL DESCRIPTIONS

For APN/Parcel ID(s): 05-21-109-017, 05-20-213-005, 05-21-109-012, 05-21-109-003, 05-20-213-006 and 05-21-109-020

PARCEL 1:

THE EAST 106 FEET OF THE WEST 109 FEET OF THE NORTH 251 FEET OF BLOCK 24 OF WINNETKA, BEING A SUBDIVISION OF THE NORTH EAST QUARTER OF SECTION 20 AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN,
(EXCEPT THEREFROM THE NORTH 40 FEET TAKEN FOR ELM STREET) ALSO (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON WEST LINE OF SAID EAST 106 FEET AT A DISTANCE OF 85 FEET SOUTH OF SOUTH LINE OF ELM STREET THENCE EAST PARALLEL WITH SOUTH LINE OF ELM STREET 10 FEET THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 106 FEET A DISTANCE OF 45.84 FEET TO THE NORTH WALL OF A ONE STORY BRICK BUILDING; THENCE WEST ALONG NORTH WALL OF SAID BRICK BUILDING 10 FEET TO WEST LINE OF SAID EAST 106 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 106 FEET A DISTANCE OF 46 FEET TO PLACE OF BEGINNING)

ALSO

(EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT SOUTH WEST CORNER OF THE ABOVE DESCRIBED PROPERTY AND RUNNING THENCE NORTH ALONG THE WEST LINE THEREOF 46.35 FEET TO INTERSECTION WITH A CURVED LINE OF 1163 FOOT RADIUS CONVEX NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG SAID CURVED LINE OF 1163 RADIUS, 25.88 FEET, AS MEASURED ALONG THE CHORD TO A POINT OF REVERSE CURVE; THENCE SOUTHERLY ALONG A CURVED LINE OF 1087 FEET RADIUS CONVEX SOUTHWESTERLY 25.69 FEET MEASURED ALONG THE CHORD TO A POINT IN SOUTH LINE OF AFORESAID EAST 106 FEET OF WEST 109 FEET OF THE NORTH 251 FEET OF BLOCK 24 WINNETKA, 22.26 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND THENCE WEST ALONG SAID SOUTH LINE 22.26 FEET TO PLACE OF BEGINNING) ALSO, THE EAST 54 FEET OF THE WEST 163 FEET OF THE NORTH 211 FEET OF THAT PART OF BLOCK 24 OF CHARLES E. PECK'S SUBDIVISION LYING SOUTH OF THE SOUTH LINE OF ELM STREET IN WINNETKA IN FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED BY GRANT FROM KATHARINE ROACH JACKSON AND HER HUSBAND TO AYRES BOAL, JR., AS TRUSTEE UNDER LAST WILL AND TESTAMENT OF LESLEY J. BOAL, DECEASED, DATED DECEMBER 4, 1950 AND RECORDED DECEMBER 4, 1950 AS DOCUMENT 14965696 AND FILED IN REGISTRAR OFFICE OF COOK COUNTY, ILLINOIS ON DECEMBER 4, 1950 AS DOCUMENT LR1329741 FOR LIGHT AND AIR AND FOR INGRESS AND EGRESS FOR PEDESTRIAN USE ONLY (INCLUDING RIGHT TO OPEN WINDOWS IN ANY PRESENT OR FUTURE WALLS ON GRANTEE'S PROPERTY ADJOINING) OVER THAT PORTION OF LOT 1 AND AN EASEMENT FOR UNDERGROUND PUBLIC UTILITIES UNDER SAID PORTION OF LOT 1 DESCRIBED AS FOLLOWS: THAT PORTION OF LOT 1 IN PROUTY'S HOMESTEAD SUBDIVISION OF PARTS OF BLOCKS 24 AND 25 OF WINNETKA, A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20 AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON EAST LINE OF LOT 1, 131 FEET SOUTH OF SOUTH LINE OF ELM STREET, THENCE SOUTH ALONG EAST LINE OF SAID LOT 1, 33.65 FEET TO THE NORTHEASTERLY LINE OF LINCOLN AVENUE; THENCE NORTHWESTERLY ALONG NORTHEASTERLY LINE OF LINCOLN AVENUE A DISTANCE OF 37.83 FEET TO A POINT DUE

WEST OF THE PLACE OF BEGINNING; THENCE EAST PARALLEL WITH SOUTH LINE OF ELM STREET A DISTANCE OF 17.29 FEET TO PLACE OF BEGINNING)

PARCEL 3:

THAT PART OF LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25, LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD, EXCEPT THE NORTH 211.00 FEET OF SAID BLOCK 24, ALSO THE WEST 3.00 FEET OF THE NORTH 211.00 FEET OF SAID BLOCK 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST 1/4 OF SECTION 20, AND THE FRACTIONAL NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTH LINE OF SAID LOT, 197.85 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG SAID NORTH LINE 10.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT TO A POINT 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211.00 FEET OF BLOCK 24 AFORESAID; THENCE NORTHWESTERLY ALONG A CURVED LINE CONVEX TO THE NORTHEAST, WITH A RADIUS OF 1163.00 FEET, 105.94 FEET TO THE INTERSECTION OF SAID CURVED LINE, WITH A LINE DRAWN 72.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT AT A POINT 51.15 FEET WEST OF THE EAST LINE OF SAID LOT; THENCE EAST ALONG SAID PARALLEL LINE, 41.15 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE TO THE PLACE OF BEGINNING, IN THE VILLAGE OF WINNETKA, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE EAST 106.00 FEET OF THE WEST 109.00 FEET OF THE NORTH 251.00 FEET (EXCEPT THE NORTH 40.00 FEET TAKEN FOR ELM STREET) OF BLOCK 24 IN WINNETKA, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 20 AND THE NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS

COMMENCING AT A POINT ON THE WEST LINE OF SAID EAST 106.00 FEET AT A DISTANCE OF 85.00 FEET SOUTH OF THE SOUTH LINE OF ELM STREET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF ELM STREET, 10.00 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 45.84 FEET TO A POINT; THENCE WEST 10.00 FEET TO THE WEST LINE OF SAID EAST 106.00 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 46.00 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 5:

EASEMENT FOR THE BENEFIT OF THE PARCEL 4 AS CREATED BY DEED FROM AYRES BOAL JR., TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF LESLEY J. BOAL, DECEASED, TO KATHERINE ROACH JACKSON DATED DECEMBER 4, 1950 AND RECORDED DECEMBER 4, 1950 AS DOCUMENT 14965695 FOR INGRESS AND EGRESS, LIGHT AND AIR OVER A STRIP OF LAND 4.00 FEET WIDE, AND FOR UNDERGROUND PUBLIC UTILITIES UNDER SAID 4.00 FEET STRIP, WHICH 4.00 FEET STRIP IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID EAST 106.00 FEET AT A DISTANCE OF 81.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF ELM STREET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF ELM STREET, A DISTANCE OF 14.00 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 49.81 FEET TO A POINT; THENCE WEST, A DISTANCE OF 4.00 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 45.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF ELM STREET, 10.00 FEET TO THE WEST LINE OF SAID EAST 106.00 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE EAST 55.4 FEET OF THE WEST 218.4 FEET OF THE NORTH 211 FEET OF THAT PART OF BLOCK 24 LYING SOUTH OF ELM STREET IN THE VILLAGE OF WINNETKA IN SECTION 20 AND SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 7;

LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25, LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD, EXCEPT THE NORTH 211 FEET OF SAID BLOCK 24 ALSO THE WEST 3 FEET OF THE NORTH 211 FEET OF SAID BLOCK 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST 1/4 OF SECTION 20, AND THE FRACTIONAL NORTH 1/2 OF FRACTIONAL SECTION 21, ALL IN TOWNSHIP 42 N, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS::

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1, 153.5 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1 44.35 FEET, THENCE SOUTH PARALLEL WITH THE EASTLINE OF SAID LOT 1 72 FEET, THENCE WEST PARALLEL, WITH THE NORTH LINE OF SAID LOT 1 44.35 FEET, THENCE NORTH 72 FEET MORE OR LESS TO THE POINT OF BEGINNING;

AND ALSO

EXCEPT THAT PART OF SAID LOT 1 LYING SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS::

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1, BEING THE SOUTH LINE OF ELM STREET, 110.79 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1 AND RUNNING THENCE SOUTHEASTERLY PARALLEL WITH AND 93 FEET NORTHEASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID LOT 1 62.41 FEET TO A POINT OF CURVE, THENCE SOUTHEASTERLY ALONG A CURVED LINE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 1163 FEET, 17.1 FEET AS MEASURED ALONG THE CHORD OF SAID CURVE TO A POINT IN A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID LOT 1 FROM A POINT IN THE NORTH LINE OF SAID LOT 1, 153.5 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE SOUTH ALONG SAID PARALLEL LINE, 5.20 FEET TO A POINT 72 FEET SOUTH OF THE NORTH LINE OF SOUTH LOT 1, THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 1, 3.20 FEET TO A POINT OF INTERSECTION WITH THE PROLONGATION OF A CURVED LINE OF 1163 FEET RADIUS HEREINBEFORE DESCRIBED, THENCE SOUTHEASTERLY ALONG SAID CURVED LINE 105.94 FEET AS MEASURED ALONG THE CHORD TO A POINT IN THE EAST LINE OF SAID LOT 1 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211 FEET OF BLOCK 24;

AND ALSO EXCEPT THAT PART OF LOT 1 DESCRIBED AS FOLLOWS::

BEGINNING IN THE NORTH LINE OF SAID LOT 1 197.85 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG SAID NORTH LINE 10 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 TO A POINT 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211 FEET OF BLOCK 24 AFORESAID; THENCE NORTHWESTERLY ALONG A CURVED LINE CONVEX TO THE NORTHEAST WITH A RADIUS OF 11.63 FEET, 105.94 FEET TO THE INTERSECTION OF SAID CURVED LINE WITH A LINE DRAWN 72 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1 AT A POINT 51.15 FEET WEST OF THE EAST LINE OF SAID LOT 1; THENCE EAST ALONG SAID PARALLEL LINE 41.15 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 9:
THE FOLLOWING LAND TAKEN AS A TRACT;
THE SOUTH 3 FEET OF THE NORTH 211 FEET OF THE WEST 100 FEET OF THE EAST 350 FEET,
AS MEASURED FROM THE SOUTHWEST CORNER OF ELM & MAPLE STREETS, OF THAT PART
OF BLOCK 24 LYING SOUTH OF THE SOUTH LINE OF ELM STREET, AS MEASURED ALONG SAID
SOUTH LINE AND AT RIGHT ANGLES THERETO, IN PECK'S SUBDIVISION IN THE VILLAGE OF
WINNETKA IN SECTIONS 20 AND 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND

THAT PART OF BLOCK 24 DEFINED AS FOLLOWS : BEGINNING AT A POINT ON THE SOUTH LINE
OF ELM STREET 250 FEET WEST FROM THE SOUTHWEST CORNER OF ELM ND MAPLE
STREETS IN THE VILLAGE OF WINNETKA; THE SOUTH 200 FEET TO A PROPOSED ALLEY 11
FEET WIDE; THENCE WEST 100 FEET; THENCE NORTH 200 FEET TO SAID SOUTH LINE OF SAID
ELM STREET; THENCE NORTH 100 FEET TO THE POINT OF BEGINNING, IN PECK'S SUBDIVISION
IN THE VILLAGE OF WINNETKA IN SECTIONS 20 AND 21, TOWNSHIP 42 NORTH, RANGE 13, EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

.AND

THE NORTH 8 FEET OF THE SOUTH 11 FEET OF THE NORTH 211 FEET OF THE WEST 100 FEET
OF THE EAST 350 FEET, AS MEASURED FROM THE SOUTHWEST CORNER OF ELM & MAPLE
STREETS, OF THAT PART OF BLOCK 24 LYING SOUTH OF THE SOUTH LINE OF ELM STREET, AS
MEASURED ALONG SAID SOUTH LINE AND AT RIGHT ANGLES THERETO, IN PECK'S
SUBDIVISION IN THE VILLAGE OF WINNETKA IN SECTIONS 20 AND 21, TOWNSHIP 42 NORTH,
RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Winnetka/Kenilworth/Northfield
Inspection Services

428 Green Bay RD
Winnetka, IL 60093
847-501-6029
Notice of Violation

Monday December 17, 2018

718-732 Elm Street Building
718 Elm ST
Winnetka, IL 60093

COPY

An inspection of your facility on Monday December 10, 2018 revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on

If you fail to comply with this notice before the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page	Count
901.4.1 Required fire protection systems			0	0
Fire protection systems required by this code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code.				

**** I met with Mr. Bill Houle of Berkson and Sons Property Management. He was informed that we have responded to multiple alarms at the building over the past weekend and today. The fire alarm requires service. The portions of the building that have sprinkler systems must be kept at 40' F to prevent freezing.

COPY

Fromm, Randy
Inspector

X _____
Occupant/Owner

12/10/18

Inspector Fromm

I spoke to Mr. Bill Houle of Berkson and Sons about the multiple alarms we have been responding to over the weekend and today. He will meet me at the property. I also informed him that the occupancies with sprinkler systems must be heated to prevent sprinkler pipes from freezing.

Mr. Houle Cell phone 630.673.1398

John Ripka

From: John Ripka
Sent: Monday, December 17, 2018 4:43 PM
To: Alan Berkowsky
Subject: Status update : 718-732 Elm fire protection systems

Chief-

I was able to speak to the property manager for the 718-732 Elm building, as well as one of the owners of the future One Winnetka Development today regarding maintaining the fire protection systems in the vacant building. They have been made aware that the Fire Department has responded to multiple false alarms at the building in the recent weeks and currently the alarm is out of service. The property manager, Bill Houle of Berkson & Sons, stated he is aware of the situation, but is not authorized by the owners to spend any money on making repairs to keep the alarm system operational. He suggested I speak to one of the owners. I told him that I have attempted to reach Skeet Walker for many days, but my calls are not answered or returned. He said he would call Skeet and tell him to answer and I should try again. I called Mr. Walker again and he answered the phone so I was able to discuss the current situation of the building. Mr. Walker asked if he could shut off the water to building and the sprinkler system because the gas/heat has been shut off to each of the individual units. Also, he is not able to maintain the heat because much of the heating system is broken and not functional. He stated he would get the fire alarm operational, but he cannot maintain the heating to protect the sprinkler system from freezing. During our conversation, he referenced his frustration with the Village many times and that he wanted to have the building torn down a long time ago and that he does not wish to put any more money into a vacant building. He made it very clear that he was not pleased with the Village processes, but he understood our concerns for the safety of the adjacent buildings, etc. and is willing to get the fire alarm system fixed. However, maintaining the heat for the sprinkler system would be extremely difficult. I thanked him for the additional information on the building, and I told him would follow back up with him in the next two days. I am happy to discuss this further at your convenience, please let me know if you need anything else.

John

John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

John Ripka

From: John Ripka
Sent: Tuesday, December 18, 2018 11:55 AM
To: 'Skeet Walker'; 'bhoule@berksonandsons.com'; 'David Trandel (dtrandel@springbankreg.com)'
Cc: Alan Berkowsky; Robert Bahan; 'Peter M. Friedman - Holland & Knight LLP (peter.friedman@hklaw.com)'; David Schoon; Randy Fromm (RFromm@winnetka.org); Terry Wilson
Subject: Fire protection system 718-732 Elm

Mr. Walker,

The Winnetka Fire Department has responded to numerous false alarms from smoke detector activations at the 718 to 732 Elm Street building in the last 30 days. The alarm is currently out of service and there has not been any attempt to repair the system. Fire Inspector Randy Fromm met Bill Houle from Berkson and Sons at the building to review the fire alarm status on 12/10/18 and found the building without a functioning alarm system and without heat.

International Fire Code 901.6 that is adopted by the Village of Winnetka requires fire detection, alarm, and extinguishing systems be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Section 907.9.5 states the building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. In order for the fire alarm devices and wet pipe sprinkler systems to operate, the building temperature must be maintained at or above 40 degrees Fahrenheit per NFPA 72 8.16.4.1.

The One Winnetka Development Agreement Section 4 K.2.a also states:

- a. that Developer shall use commercially reasonable efforts, as determined by the Director of Community Development, under the supervision of the Village Manager, to ensure: (i) that exterior enclosures (exterior walls, windows, doors, etc.) are adequately maintained, watertight and in good operating condition; (ii) that roofing systems are adequately maintained and watertight; (iii) that all heating, ventilating, air conditioning, electric, plumbing and fire- and life-safety systems serving the existing buildings and commercial tenant spaces are maintained in good repair and remain functional at all times; (iv) that parking areas are kept clean and well lit; and (v) that structural systems are maintained in good repair, with any indication of structural deterioration promptly repaired;

You are here by ordered to comply with the above fire code requirements on all of the development properties and have the fire protection systems repaired and operational by December 27, 2018.

Please let me know if you have any questions regarding these orders.

John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989



VILLAGE OF WINNETKA

Incorporated in 1869

December 18, 2018

SB One Winnetka
c/o Springbank Capital Advisors, LLC
730 West Randolph Street, Suite 500
Chicago, Illinois 60661
Attention: David Trandel

Mr. Trandel,

The Winnetka Fire Department has responded to numerous false alarms from smoke detector activations at the 718 to 732 Elm Street building in the last 30 days. The alarm is currently out of service and there has not been any attempt to repair the system. Fire Inspector Randy Fromm met Bill Houle from Berkson and Sons at the building to review the fire alarm status on 12/10/18 and found the building without a functioning alarm system and without heat. At that time, Inspector Fromm informed Mr. Houle that building needed to be heated to protect the sprinkler pipes from freezing and fire protection systems repaired.

International Fire Code 901.6 that is adopted by the Village of Winnetka requires fire detection, alarm, and extinguishing systems be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Section 907.9.5 states the building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. In order for the fire alarm devices and wet pipe sprinkler systems to operate, the building temperature must be maintained at or above 40 degrees Fahrenheit per NFPA 72 8.16.4.1.

The One Winnetka Development Agreement with the Village of Winnetka Section 4 K.2.a further states:

- a. that Developer shall use commercially reasonable efforts, as determined by the Director of Community Development, under the supervision of the Village Manager, to ensure: (i) that exterior enclosures (exterior walls, windows, doors, etc.) are adequately maintained, watertight and in good operating condition; (ii) that roofing systems are adequately maintained and watertight; (iii) that all heating, ventilating, air conditioning, electric, plumbing and fire- and life-safety systems serving the existing buildings and commercial tenant spaces are maintained in good repair and remain functional at all times; (iv) that parking areas are kept clean and well lit; and (v) that structural systems are maintained in good repair, with any indication of structural deterioration promptly repaired;

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org



VILLAGE OF WINNETKA

Incorporated in 1869

You are hereby ordered to comply with the above fire code requirements on all of the development properties and have the fire protection systems repaired and operational by December 27, 2018.

Please let me know if you have any questions regarding these orders.

Thank you,

John Ripka
Deputy Fire Chief
Winnetka Fire Department
847-501-6029
jripka@winnetka.org

cc: Alan Berkowsky, Fire Chief
Robert Bahan, Village Manager
Peter Friedman, Village Attorney
David Schoon, Community Development Director

510 Green Bay Road, Winnetka, Illinois 60093
Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org

John Ripka

From: John Ripka
Sent: Thursday, December 27, 2018 8:30 AM
To: 'Skeet Walker'
Cc: 'David M. Trandel'; Alan Berkowsky
Subject: RE: Fire protection system 718-732 Elm

Skeet-

Just following up on the status of the repairs to 718-732 Elm. Can someone meet me on site to show what has been done to heat the space and make the fire protection systems functional again?

Thank you,

John

John P Ripka

Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989

From: Skeet Walker [<mailto:swalker@springbankreg.com>]
Sent: Wednesday, December 19, 2018 5:30 PM
To: John Ripka
Cc: 'David M. Trandel'
Subject: RE: Fire protection system 718-732 Elm

John,

Thanks for working with us. We are getting things together in order to be in compliance by December 27. I'll keep you posted.

Thanks again,

-Skeet

R.L. "Skeet" Walker

Vice President, Property Management

CELL 918.625.6536

EMAIL swalker@springbankreg.com

From: John Ripka [<mailto:jripka@Winnetka.org>]
Sent: Tuesday, December 18, 2018 11:55 AM
To: Skeet Walker <swalker@springbankreg.com>; [bhoul@berksonandsons.com](mailto:bhoule@berksonandsons.com); David Trandel (dtrandel@springbankreg.com) <dtrandel@springbankreg.com>
Cc: Alan Berkowsky <ABerkowsky@winnetka.org>; Robert Bahan <RBahan@winnetka.org>; Peter Friedman HKLaw <peter.friedman@hklaw.com>; David Schoon <DSchoon@winnetka.org>; Randy Fromm <rfromm@Winnetka.org>; Terry Wilson <TWilson@winnetka.org>
Subject: Fire protection system 718-732 Elm

Mr. Walker,

The Winnetka Fire Department has responded to numerous false alarms from smoke detector activations at the 718 to 732 Elm Street building in the last 30 days. The alarm is currently out of service and there has not been any attempt to repair the system. Fire Inspector Randy Fromm met Bill Houle from Berkson and Sons at the building to review the fire alarm status on 12/10/18 and found the building without a functioning alarm system and without heat.

International Fire Code 901.6 that is adopted by the Village of Winnetka requires fire detection, alarm, and extinguishing systems be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Section 907.9.5 states the building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. In order for the fire alarm devices and wet pipe sprinkler systems to operate, the building temperature must be maintained at or above 40 degrees Fahrenheit per NFPA 72 8.16.4.1.

The One Winnetka Development Agreement Section 4 K.2.a also states:

- a. that Developer shall use commercially reasonable efforts, as determined by the Director of Community Development, under the supervision of the Village Manager, to ensure: (i) that exterior enclosures (exterior walls, windows, doors, etc.) are adequately maintained, watertight and in good operating condition; (ii) that roofing systems are adequately maintained and watertight; (iii) that all heating, ventilating, air conditioning, electric, plumbing and fire- and life-safety systems serving the existing buildings and commercial tenant spaces are maintained in good repair and remain functional at all times; (iv) that parking areas are kept clean and well lit; and (v) that structural systems are maintained in good repair, with any indication of structural deterioration promptly repaired;

You are here by ordered to comply with the above fire code requirements on all of the development properties and have the fire protection systems repaired and operational by December 27, 2018.

Please let me know if you have any questions regarding these orders.

John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989



Virus-free. www.avg.com

John Ripka

From: Terry Wilson
Sent: Thursday, January 24, 2019 8:05 AM
To: admin@berksonandsons.com
Cc: John Ripka; Randy Fromm; John Brewer
Subject: Vacant buildings on Lincoln Ave. and Elm St. in Winnetka.
Attachments: Berkson & Sons Vacant Bldg's..doc

Good morning Mr. Houle,

Yesterday there was multiple calls to the 515 Lincoln Ave. building for a broken water pipe and flowing water. The alarm is currently OOS due to the issues.

Please see the attached letter from February 15, 2018 regarding the buildings at 511 Lincoln, 513-515 Lincoln, 714-716 Elm St. and 718-732 Elm in Winnetka.

The letter states what must be done with the maintaining of the fire protection systems within the buildings.

Thank you,

Terry Wilson
Fire Inspector
Winnetka Fire Department

WINNETKA FIRE DEPARTMENT

Alan Berkowsky, Fire Chief



February 15, 2018

Berkson & Sons
333 Skokie Boulevard
Suite 111
Northbrook, IL. 60062

Attn: Mr. Bill Houle, Property Manager

Mr. Houle:

Thank you for meeting Inspector Fromm and me for a walk through and inspection of the vacant buildings managed by your company located at 511 Lincoln Ave., 513-515 Lincoln Ave., 714-716 Elm St. and 718-732 Elm St. in Winnetka.

Below are the recommendations and requirements for maintaining these buildings until such a time that the buildings will be demolished.

1. 511 Lincoln Ave: The building is vacant. Have all of the utilities to the building shut off. The Village can assist with water and electric. The gas company will need to be notified for the gas supply. The building shall be locked and secured.
2. 513-515 Lincoln Ave: The building is vacant. The heat is to be maintained along with the fire alarm system and the fire sprinkler system in full service.
3. 714-716 Elm St: The building is vacant. The heat is to be maintained and the fire alarm system will remain in full service.

428 Green Bay Road * Winnetka, Illinois 60093 * (847) 501-6029 * Fax (847) 446-7989
"Proudly Serving Winnetka, Kenilworth and Unincorporated New Trier Township"

4. 718-732 Elm St. Bldg. The building is vacant. The heat is to be maintained and the fire alarm system will remain in full service. The retail space located at 722 is to have all of the storage removed. The building has a wet fire sprinkler system that services the retail/office spaces and is to be maintained in service. The building also has a dry fire sprinkler system that services the parking garage, this system may be shut down and the valves chained closed. Have your fire alarm company disconnect the devices monitoring the dry system so there will no longer be supervisory or trouble signals sent to the main fire alarm panel.

Please advise when all of the conditions above have been met and when we can schedule a re-inspection of the properties. Access to all buildings is still needed via the Knox Box. If there is any other issue or question for these buildings, please contact the Winnetka Fire Prevention Bureau.

Respectfully,

Terry Wilson
Fire Inspector
Winnetka Fire Department
(847) 501-6029

One Winnetka Properties Status 2/7/2019

511 Lincoln

Multiple broken pipes are flowing water inside the building.

The lower levels are accumulating water.

Ice has accumulated on stairs and in the lower levels of the building.

There is some heat and electricity to the building.

Many windows on the upper level have been broken with portions of the windows still open.

An open roof hatch can be seen from the north.

There is accumulation of water and ice in the underground parking area.

There are small amounts of furniture and storage in the building.





513-515 Lincoln

Ice accumulations can be seen in the front windows that go from floor to ceiling in the southwest room of the first floor.

I did not enter the building due to the ice.

There is electric to the building.

There are small amounts of combustible materials.



740 Elm

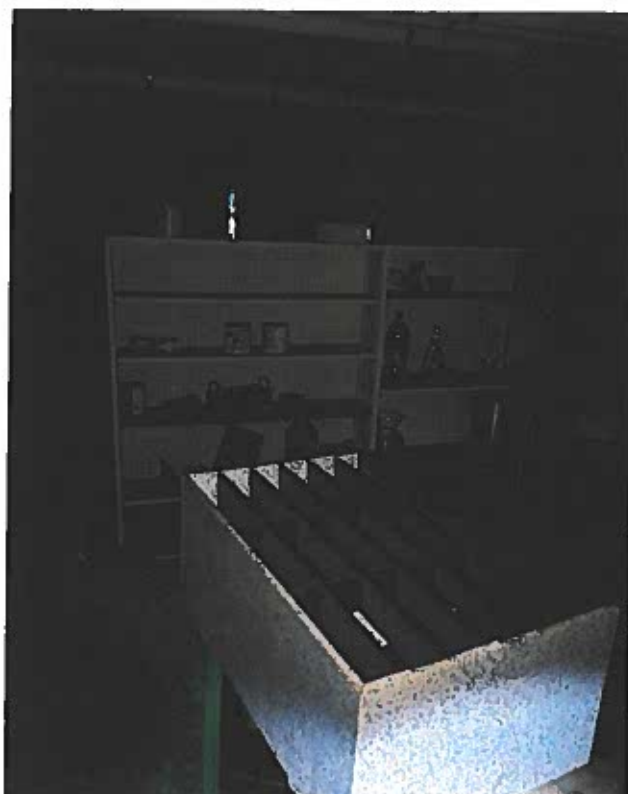
Ceiling damage and fallen ceiling were found on first and second floors.

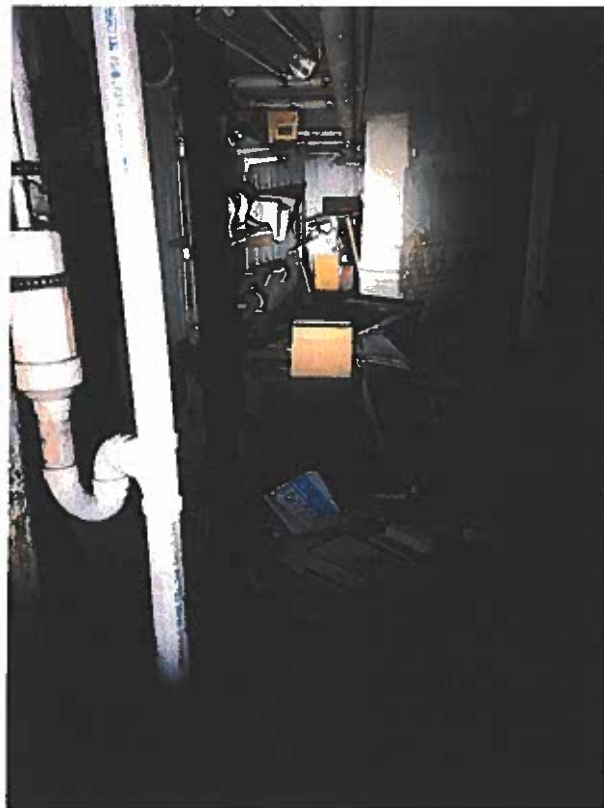
Heat is on.

Electric is on.

There is a fair amount of rubbish and furniture throughout.

Many areas have mold from water damage and leaks.







718-730 Elm

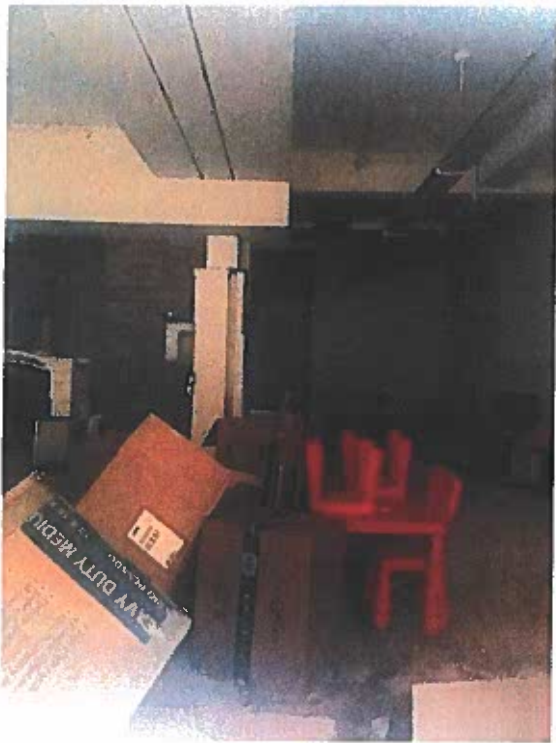
Units have water damage on ceilings with the most damage to 718 and 730 Elm.

There is electricity to the building.

The gas meters have been removed.

Some units have furniture and storage.

There are multiple broken and boarded up windows.



714-716 Elm

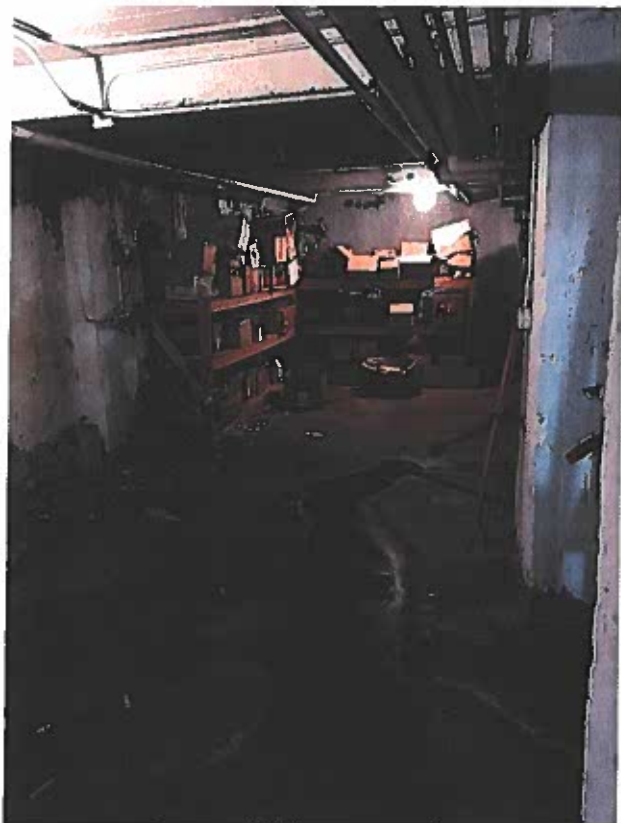
The building has power and heat.

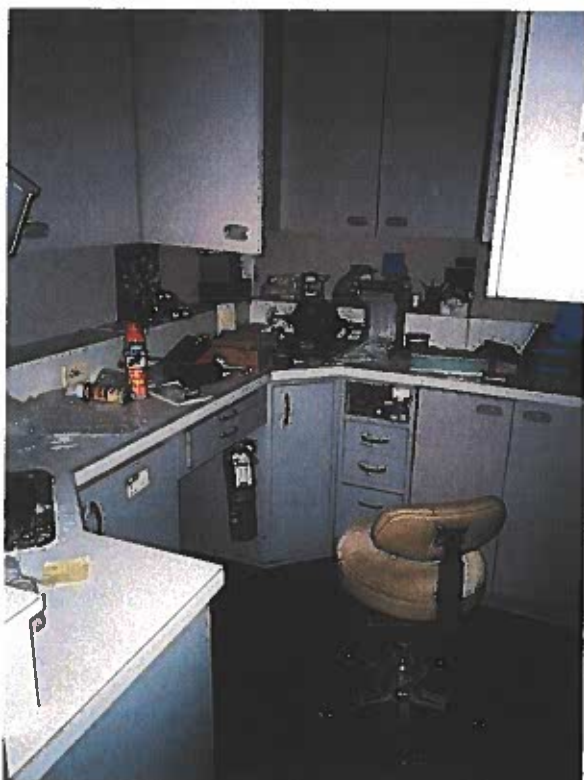
There is water running in the basement on and near the boiler.

Water is running into the southwest office space from the roof.

There is a large amount of storage and furniture in the building.

Many areas have mold from water damage.





John Ripka

From: John Ripka
Sent: Wednesday, February 13, 2019 2:46 PM
To: Alan Berkowsky
Subject: FW: One Winnetka Site

Friday?

From: David Schoon
Sent: Wednesday, February 13, 2019 2:40 PM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Alan Berkowsky; John Ripka; Brian Norkus
Subject: One Winnetka Site

Skeet –

As we just spoke about on the telephone, the Fire Chief and I would like to schedule a meeting as soon as possible to talk with you, and whomever else you need to have involved, to discuss the condition of the fire sprinkler and fire alarm systems in the buildings on the One Winnetka site.

The Chief and I are available on the following dates and times:

- Thursday, February 14, between 11:00 and 1:30 and again at 4:00.
- Friday, February 15, between 8:30 and 11:00 and again between 2:00 and 3:30.

Please let me know when you are available for a meeting.

David Schoon, Director
Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093
847-716-3526
dschoon@winnetka.org

John Ripka

From: Skeet Walker <swalker@springbankreg.com>
Sent: Wednesday, February 20, 2019 3:54 PM
To: Alan Berkowsky; John Ripka; David Schoon
Cc: 'David M. Trandel'
Subject: meeting

Gents,

I want to thank you for your time and input this afternoon.

The One Winnetka project is 'near and dear' to all of us and we're committed to see it through to completion.

As discussed, I'll have an update for you no later than Monday afternoon, Feb. 25th.

In the meanwhile, if other issues come up, feel free to give me a call or email.

Thank you again,

Regards,

-Skeet

R.L. "Skeet" Walker

Property Management

CELL 918.625.6536

EMAIL swalker@springbankreg.com



Virus-free. www.avg.com

John Ripka

From: Skeet Walker <swalker@springbankreg.com>
Sent: Monday, February 25, 2019 2:46 PM
To: Alan Berkowsky
Cc: John Ripka; David Schoon; 'David M. Trandel'
Subject: Update

All,
 David Schoon got me the electric listings for the One Winnetka Properties.
 I have a couple of questions. I have a call in to Tim Sloth.
 Looks like most of the units have power.

714 Elm

Electric, Water and gas are on to the building.

Boiler is up and running. New boiler pump installed.

Technician will be on site tomorrow PM to check and restore service for the Fire Detection.

716 Elm: No Electric

This portion of the building is heated to some degree from the boiler system.

I'd like to get the power turned back on here.

718 / 732 Elm

It looks like most of the units have electric. I've called in to verify.

511 Lincoln

Water and Gas have been shut off.

Electric is on to power sump pumps for lower parking area and building basement

513 / 515 Lincoln

Electric is on.

Water is off due to leaks from freeze.

North Shore Gas:

I've contacted N.S. Gas to have service turned back on at the following addresses.

732 Elm; 730 Elm; 728 Elm; 720 Elm

515 B Lincoln; 515 Lincoln

Because the service had been turned off, the gas company's "Enrollment Services" has to talk to someone from our company.

Of course, they will call us back, probably tomorrow, 2-26. I talked to them last week and they said

Once that's done they will schedule a tech to come out and turn the gas back on.

As soon as we have electric and gas, I'll call the HVAC techs to come out and fire up the units.

With heat, we can fix leaks and get the fire suppression and detection systems up and going.

During our meeting, you pointed out that we needed to remove any combustibles we could.

I've put my feelers out looking for a good handyman that could do that. If any of you have any suggestions as to who I could call, please forward them to me.

Thank you again for working with us.

Regards,

-Skeet



Virus-free. www.avg.com

John Ripka

From: Skeet Walker <swalker@springbankreg.com>
Sent: Wednesday, February 27, 2019 10:56 AM
To: Alan Berkowsky
Cc: John Ripka; David Schoon; 'David M. Trandel'
Subject: One Winnetka Update

All,

The service tech will be at 714-716 Elm this afternoon to address issues with the fire detection system.

Tim Sloth is processing our request to have the electric turned back on at 716 Elm and another unit at 732 Elm.

North Shore Gas has not contacted us regarding setting up the accounts so we can get the gas turned back on.

I've contacted a couple of companies for removal of things from some of the spaces.

As things move forward, I'll keep you all posted.

Thank you,

-Skeet



Virus-free. www.avg.com

John Ripka

From: John Ripka
Sent: Wednesday, April 03, 2019 11:50 AM
To: 'Skeet Walker'; Alan Berkowsky; Randy Fromm (RFromm@winnetka.org)
Cc: David Schoon; 'David M. Trandel'
Subject: RE: One Winnetka Update

Hi Skeet-

Below is the alarm log I spoke about on the phone today. Some of the buildings might not be listed as they are completely dead and not reporting.

Thanks for meeting us on-site tomorrow morning. See you then.

Regards,
 John

John P Ripka

Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989

This notification indicates that accounts/conditions have been put in disregard on the following accounts as of 08:17:23 on 04/03/2019.

Account	Subscriber Name	Subscriber Address	Conditions in Disregard	Date/Time in Disregards	Person	Reason
WN4083	515 LINCOLN BUILDING #4083	515 LINCOLN AVENUE ***NO PASS CODE WINNETKA, IL 60093	ALL CONDITIONS	03/15/19 08:43-04/14/19 08:45	KAREN	NEEDS SERVICE
WN4083	515 LINCOLN BUILDING #4083	515 LINCOLN AVENUE ***NO PASS CODE WINNETKA, IL 60093	R 370??010	03/04/19 14:04-04/03/19 15:00	DIANE	REQ ON DISREGARD
WN4003	718 - 732 ELM BUILDING #4003	718-732 ELM ST ***NO PASS CODE REQU WINNETKA, IL 60093	ALL CONDITIONS	03/12/19 11:51-04/11/19 13:50	BILL HOULE	REPAIRS
WN4090	714-716 ELM ST BUILDING #4090	714-716 ELM ST ***NO PASS CODE REQU WINNETKA, IL 60093	ALL CONDITIONS	03/11/19 09:58-04/10/19 10:00	BILL	SYSTEM BROKE

From: Skeet Walker [<mailto:swalker@springbankreg.com>]
Sent: Wednesday, February 27, 2019 10:56 AM
To: Alan Berkowsky
Cc: John Ripka; David Schoon; 'David M. Trandel'
Subject: One Winnetka Update

All,

The service tech will be at 714-716 Elm this afternoon to address issues with the fire detection system.

Tim Sloth is processing our request to have the electric turned back on at 716 Elm and another unit at 732 Elm.

North Shore Gas has not contacted us regarding setting up the accounts so we can get the gas turned back on.

I've contacted a couple of companies for removal of things from some of the spaces.

As things move forward, I'll keep you all posted.

Thank you,

-Skeet



Virus-free. www.avg.com

John Ripka

From: John Ripka
Sent: Thursday, April 04, 2019 10:51 AM
To: Alan Berkowsky
Cc: Randy Fromm (RFromm@winnetka.org); David Schoon; Brian Norkus
Subject: One Winnetka follow up

Chief Berkowsky-

Inspector Fromm, Director Schoon, Asst. Director Norkus and I met with Skeet Walker and Rick Ruh (American Fire Alarm Co.) to inspect and check the status of the unoccupied buildings with the One Winnetka project. We walked each building together to review the progress from our previous discussions with Mr. Walker. Very minimal changes and corrections have been made in each building. Inspection reports were completed, signed and a copy given to Mr. Walker for each location. A brief summary from each building is listed below. I explained to Mr. Walker that he had seven days to remove the combustibles and repair the alarm or sprinkler system for each building. We are going to follow up on Thursday, April 11 and if significant movement to correct the violations has not been completed, we will write an ordinance complaint violation for the Circuit Court of Cook County. I will keep you informed as we progress.

511 Lincoln – Repair/test existing fire alarm system, remove combustibles and provide key for knox box

513-515 Lincoln – Repair existing sprinkler system or install a working fire alarm system, remove combustibles and provide key for knox box

740 Elm – Repair existing fire alarm system and remove combustibles

736 Elm – Currently occupied by Conney's pharmacy, no inspection was done

718-732 Elm – Restore existing fire alarm system, remove combustibles and work with Inspector Fromm to confirm keys for each space are in the knox box

714-716 Elm – Repair leaking boiler, restore existing fire alarm system and remove combustibles

John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

John Ripka

From: John Ripka
Sent: Thursday, April 11, 2019 12:46 PM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Alan Berkowsky; David Schoon; Brian Norkus; Randy Fromm (RFromm@winnetka.org)
Subject: One Winnetka property follow up

Hello Skeet-

We checked on the status of the fire protection systems for the One Winnetka properties today. It appears some progress is being made – thank you. We will follow up in 7 days (April 18) to confirm that progress is continuing. From our previous discussions and site visits, the areas that have not been addressed so far are the combustibles inside each building and the debris that has collected on the outside and between the buildings. Please let me know when we can expect to see those areas addressed.

Regards,
Deputy Chief Ripka

John P Ripka
Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

John Ripka

From: John Ripka
Sent: Thursday, April 18, 2019 3:54 PM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Alan Berkowsky; kristinevlasnik@foxvalleyfire.com; David Schoon; Brian Norkus
Subject: FW: New radio install
Attachments: 211102ARCustomerStatementPrint.pdf; IN00223944.pdf; IN00223945.pdf; IN00223946.pdf; IN00223947.pdf; IN00246682.pdf; IN00246683.pdf; IN00246684.pdf; IN00246685.pdf; IN00246762.pdf

Hello Skeet-

We checked on the progress of the alarm systems again today. There is still some work to do to get the rest of buildings operational, but it appears some progress is being made. The new issue is with the installation of the radio for 740 Elm. Apparently, most of the buildings monitoring fees have not been paid and many are past due. Please work with Kristine Vlasnik (cc'd above and contact info below) to pay the past due monitoring fees. She can also assist with scheduling the install for 740 Elm when the other accounts are caught up. See attached bills for reference.

Please keep me informed of the progress and let me know if I can be any further assistance.

Regards,
 John

John P Ripka
 Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989

-----Original Message-----

From: Kristine Vlasnik [<mailto:KristineVlasnik@foxvalleyfire.com>]
 Sent: Thursday, April 18, 2019 2:18 PM
 To: John Ripka
 Subject: RE: New radio install

We have Winnetka Station (211102) as the parent account for 714-716 Elm, 513-515 Lincoln, 511 Lincoln, and 718-732 Elm. There are 8 outstanding invoices for these accounts.

I show SB Winnetka LLC (260955) as the parent for 727 Elm and have attached the one outstanding invoice for that location (IN00246762).

I have 736 Elm registered under Conney's Pharmacy. They are current.

-----Original Message-----

From: John Ripka [<mailto:jripka@Winnetka.org>]
 Sent: Thursday, April 18, 2019 1:22 PM
 To: Kristine Vlasnik <KristineVlasnik@foxvalleyfire.com>
 Subject: RE: New radio install

Can you send me the outstanding invoices?

-----Original Message-----

From: Kristine Vlasnik [<mailto:KristineVlasnik@foxvalleyfire.com>]
Sent: Thursday, April 18, 2019 1:21 PM
To: John Ripka
Subject: RE: New radio install

Good afternoon John,
I am working on getting this installation processed. However, I wanted to bring to your attention that we have been struggling to get this customer to pay the monitoring invoices. Please let me know how you would like me to proceed.

Best regards,

Kristine Vlasnik | Monitoring Coordinator Fox Valley Fire & Safety
Phone: 224-293-5394
Fax: 224-293-5409
2730 Pinnacle Dr. | Elgin, Illinois 60124

-----Original Message-----

From: John Ripka [<mailto:jripka@Winnetka.org>]
Sent: Wednesday, April 17, 2019 10:19 AM
To: Kristine Vlasnik <KristineVlasnik@foxvalleyfire.com>
Subject: New radio install

Hi Kristine-

This building (740 Elm) needs a radio installed to monitor the property until demolition is of the group of buildings is completed. Could you please schedule the install as soon as you can.

This should be the same contact info for:

511 Lincoln
513-515 Lincoln
736 Elm
740 Elm
718-732 Elm
714-716 Elm

Let me know if you have any questions.

Regards,
John

John P Ripka
Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

John Ripka

From: John Ripka
Sent: Tuesday, April 30, 2019 9:30 AM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Alan Berkowsky
Subject: RE: 740 elm

Hi Skeet-

Checking in for a status update on alarms and junk removal. I was hoping to get the radio installed at 740 Elm as soon as possible since it is ready to go.

Please advise.

Thank you,

John

John P Ripka

Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989

From: John Ripka
Sent: Tuesday, April 23, 2019 10:10 AM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Alan Berkowsky
Subject: FW: 740 elm

Hi Skeet-

Have you had a chance to work with Fox Valley to clear up the outstanding bills so we can schedule the radio install for 740 Elm?

Also, any success with Junk Kings?

John

John P Ripka

Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989

From: John Ripka
Sent: Friday, April 19, 2019 6:17 PM
To: Skeet Walker
Subject: Re: 740 elm

Great, thank you. Please advise on the alarm situation when you get a chance as well.

Enjoy the weekend.

John

On Apr 19, 2019, at 2:38 PM, Skeet Walker <swalker@springbankreg.com> wrote:

John,
FYI, I'm meeting with Junk Kings tomorrow for a quote to remove things from the vacant spaces.
I'll let you know how that turns out.
Have a great weekend.
-Skeet

From: John Ripka [<mailto:jripka@Winnetka.org>]
Sent: Wednesday, April 17, 2019 11:03 AM
To: Skeet Walker <swalker@springbankreg.com>
Subject: RE: 740 elm

Thanks Skeet.

From: Skeet Walker [<mailto:swalker@springbankreg.com>]
Sent: Tuesday, April 16, 2019 6:41 PM
To: John Ripka
Subject: Re: 740 elm

Getting bids!!
I'm keep you posted.

On Apr 16, 2019, at 6:10 PM, John Ripka <jripka@winnetka.org> wrote:

Skeet,
Thank you - This is fine. I will get it to Fox Valley tomorrow morning and I'll have them work with Rick on the installation.
Have you been able to make any progress with the combustible stuff inside the buildings?
Regards,
John

On Apr 16, 2019, at 3:45 PM, Skeet Walker <swalker@springbankreg.com> wrote:

John,
740 Elm is ready for the radio.
See attached agreement.
Will this do or do you need the original?
Does my tech need to be there when the radio is delivered?
If so, his contact info.
Rick Ruh
Cell: 630-688-1602

Let me know.

Thanks,
-Skeet

R. L. "Skeet" Walker
Cell: 918-625-6536

<image001.jpg> Virus-free. www.avg.com

<Radio Agree.pdf>

John Ripka

From: John Ripka
Sent: Wednesday, May 01, 2019 2:24 PM
To: Skeet Walker (swalker@springbankreg.com)
Cc: 'David M. Trandel' (dtrandel@springbankreg.com); Alan Berkowsky; David Schoon; Brian Norkus; Randy Fromm (RFromm@winnetka.org)
Subject: Fire Protection systems - One Winnetka properties

Mr. Walker,

The Fire Department has been attempting to work with you on restoring the fire protection to the various properties of the One Winnetka project. However, it appears all work on the properties has stopped, and you have not responded to multiple requests for a status update. In order to avoid receiving an ordinance complaint requiring a court appearance, we must receive an update in the next five days that shows significant improvement has been made to the properties and fire alarm systems.

Thank you,
Deputy Chief Ripka

John P Ripka
Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

John Ripka

From: Skeet Walker <swalker@springbankreg.com>
Sent: Thursday, May 09, 2019 11:45 AM
To: John Ripka
Cc: 'David M. Trandel'; 'Mark A Alberts'
Subject: RE: Fire Protection systems - One Winnetka properties

John,
 I apologize for not getting back to you before now.
 The repair work is ongoing. I've asked Rick Ruh to give you a call to give you the status of the repairs.
 We're waiting on money to pay the Village for the utilities, pay Junk King to remove the debris and pay Fox Valley so we can get the radio installed.
 We're hopeful this will be quick. I'll keep you posted on progress.

Thanks again for working with us on this. We are as anxious to get this done as you are.
 -Skeet

From: John Ripka [<mailto:jripka@Winnetka.org>]
Sent: Wednesday, May 1, 2019 2:24 PM
To: Skeet Walker (swalker@springbankreg.com) <swalker@springbankreg.com>
Cc: 'David M. Trandel' (dtrandel@springbankreg.com) <dtrandel@springbankreg.com>; Alan Berkowsky <ABerkowsky@winnetka.org>; David Schoon <DSchoon@winnetka.org>; Brian Norkus <BNorkus@winnetka.org>; Randy Fromm <rfromm@Winnetka.org>
Subject: Fire Protection systems - One Winnetka properties

Mr. Walker,

The Fire Department has been attempting to work with you on restoring the fire protection to the various properties of the One Winnetka project. However, it appears all work on the properties has stopped, and you have not responded to multiple requests for a status update. In order to avoid receiving an ordinance complaint requiring a court appearance, we must receive an update in the next five days that shows significant improvement has been made to the properties and fire alarm systems.

Thank you,
 Deputy Chief Ripka

John P Ripka
 Deputy Fire Chief
 Winnetka Fire Department
 428 Green Bay Rd.
 Winnetka IL 60093
 Phone 847.501.6029
 Fax 847.446.7989



This email has been checked for viruses by AVG antivirus software.

John Ripka

From: John Ripka
Sent: Wednesday, May 29, 2019 2:07 PM
To: Skeet Walker (swalker@springbankreg.com)
Cc: Randy Fromm (RFromm@winnetka.org)
Subject: One Winnetka properties

Mr. Walker-

Thank you for taking my call today. I just spoke to Rick Ruh from American Fire and he will not be able to join us for the re-inspections tomorrow either, but he is available by phone if needed. As we discussed, Inspector Fromm and I will conduct follow up inspection of the buildings with the keys from the key box and knox boxes.

Regards,

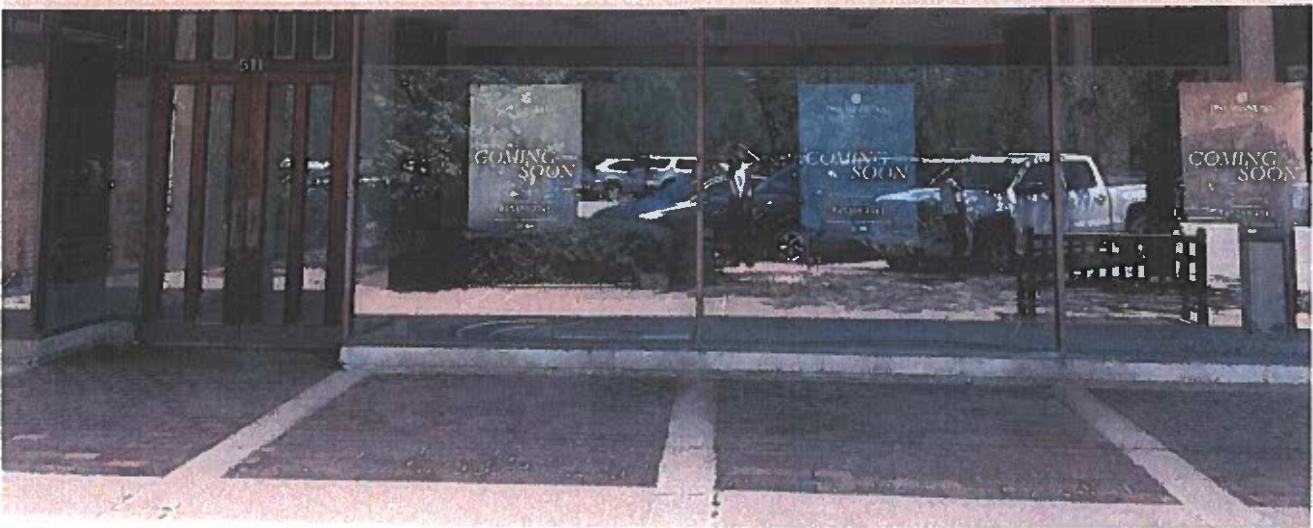
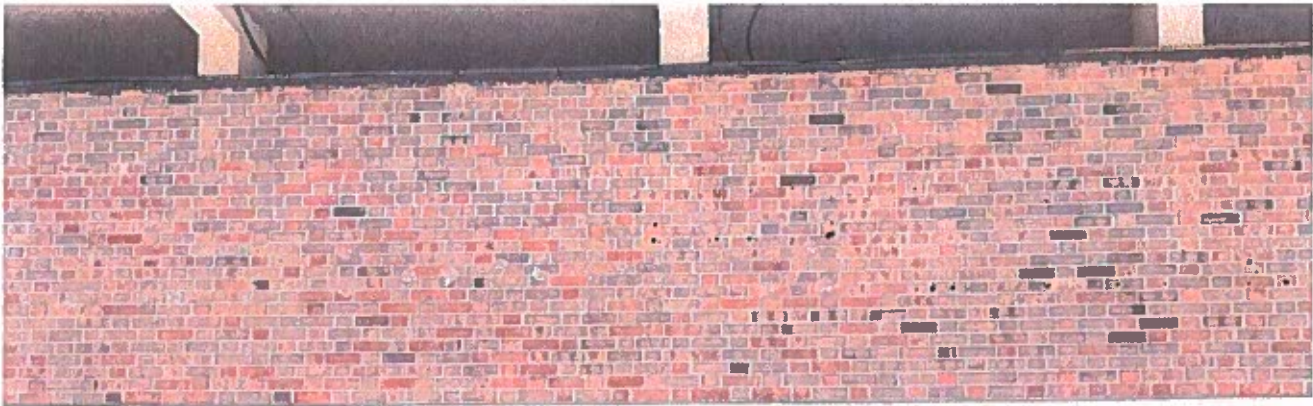
John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

ONE Winnetka Project Status Update – 5/30/19

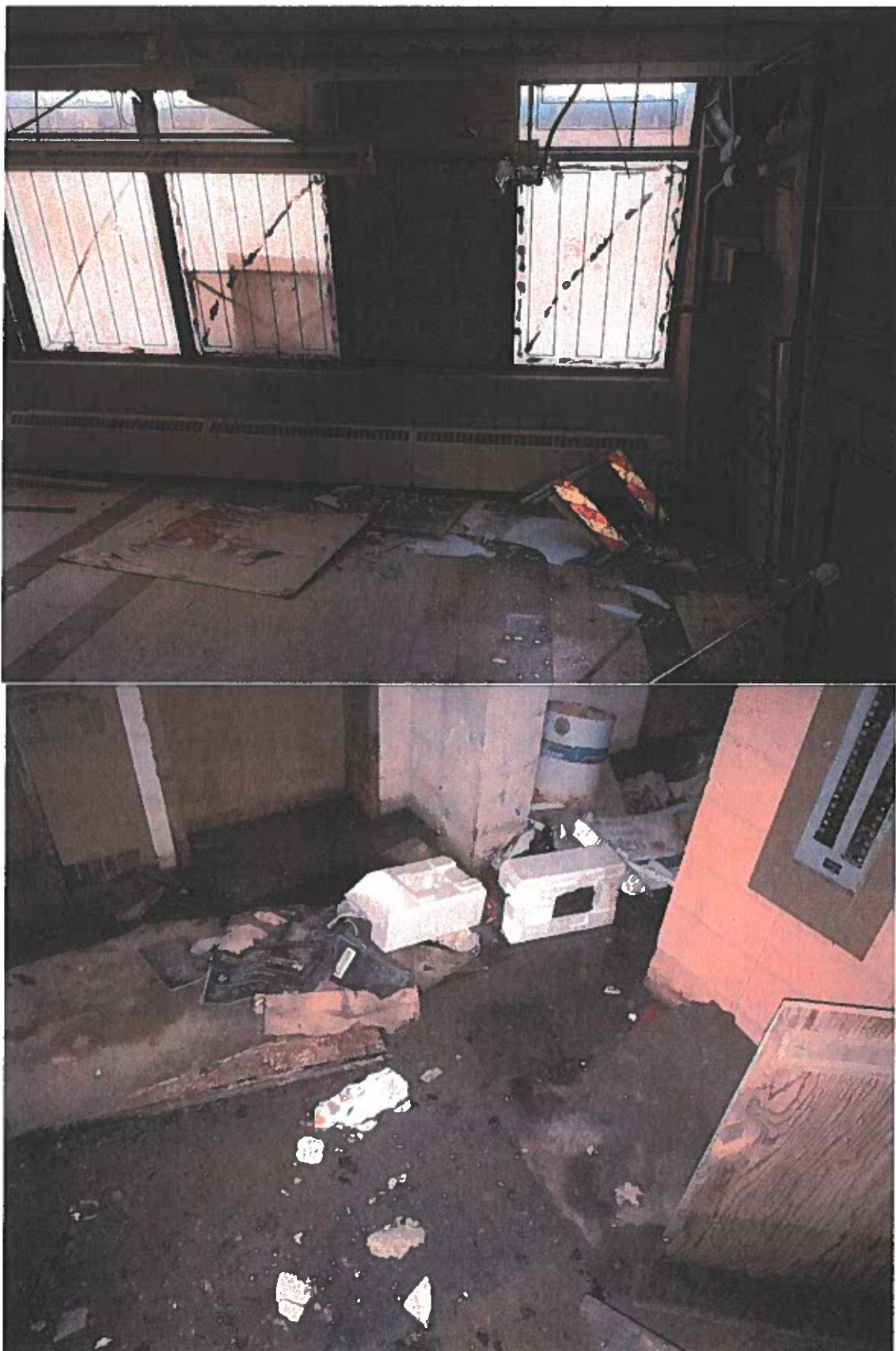
Address – 511 Lincoln

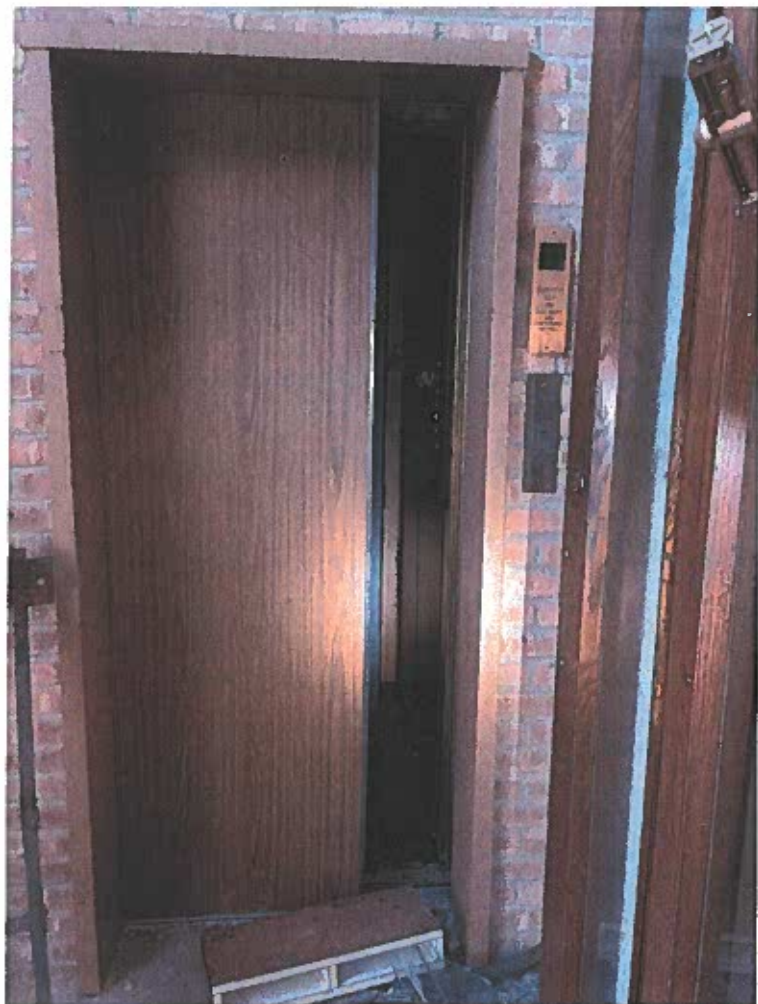
Description











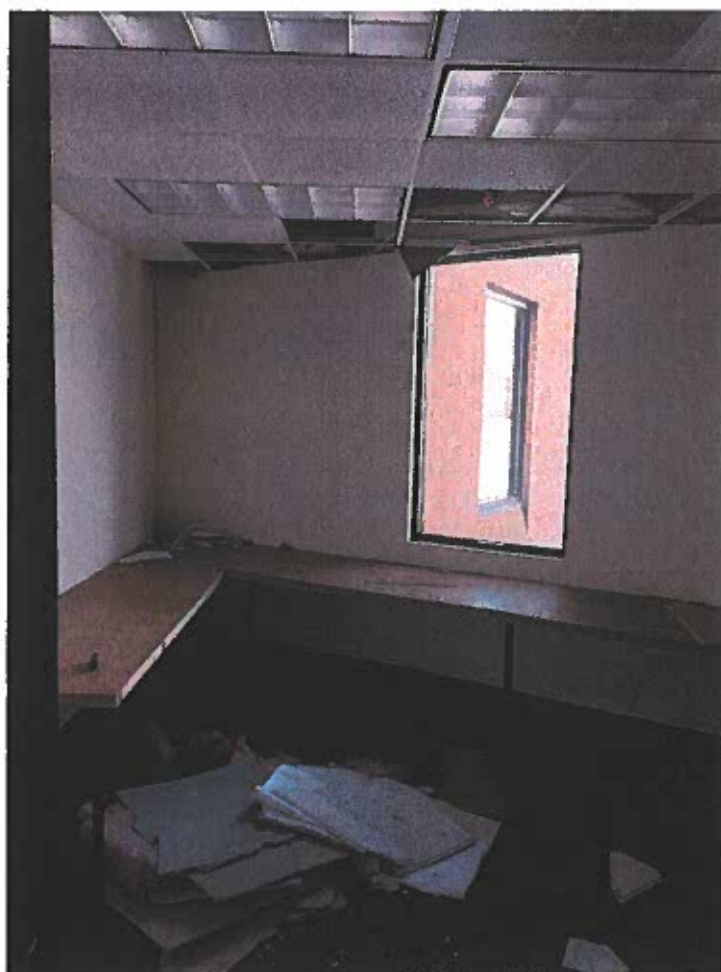


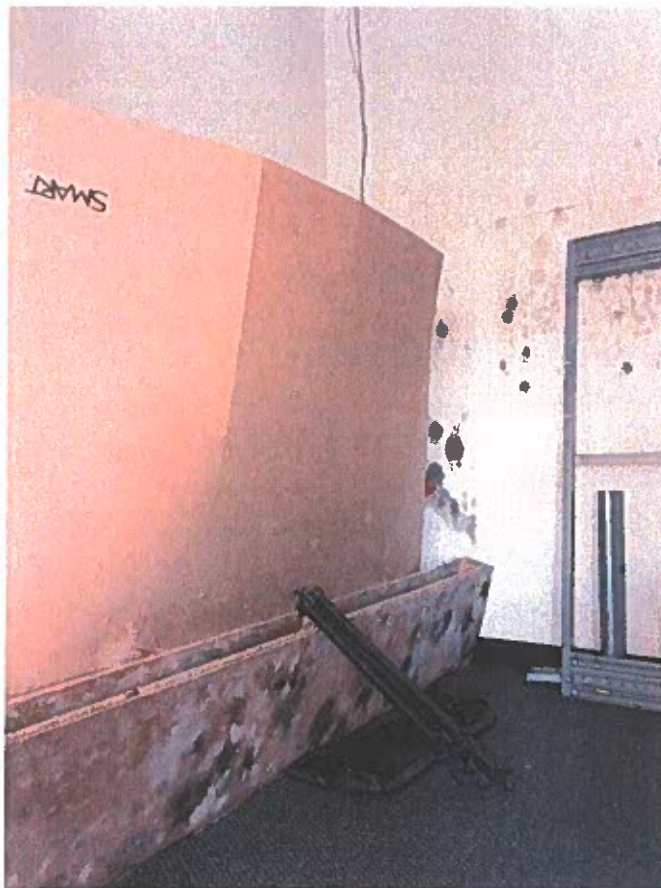
Address – 513-515 Lincoln

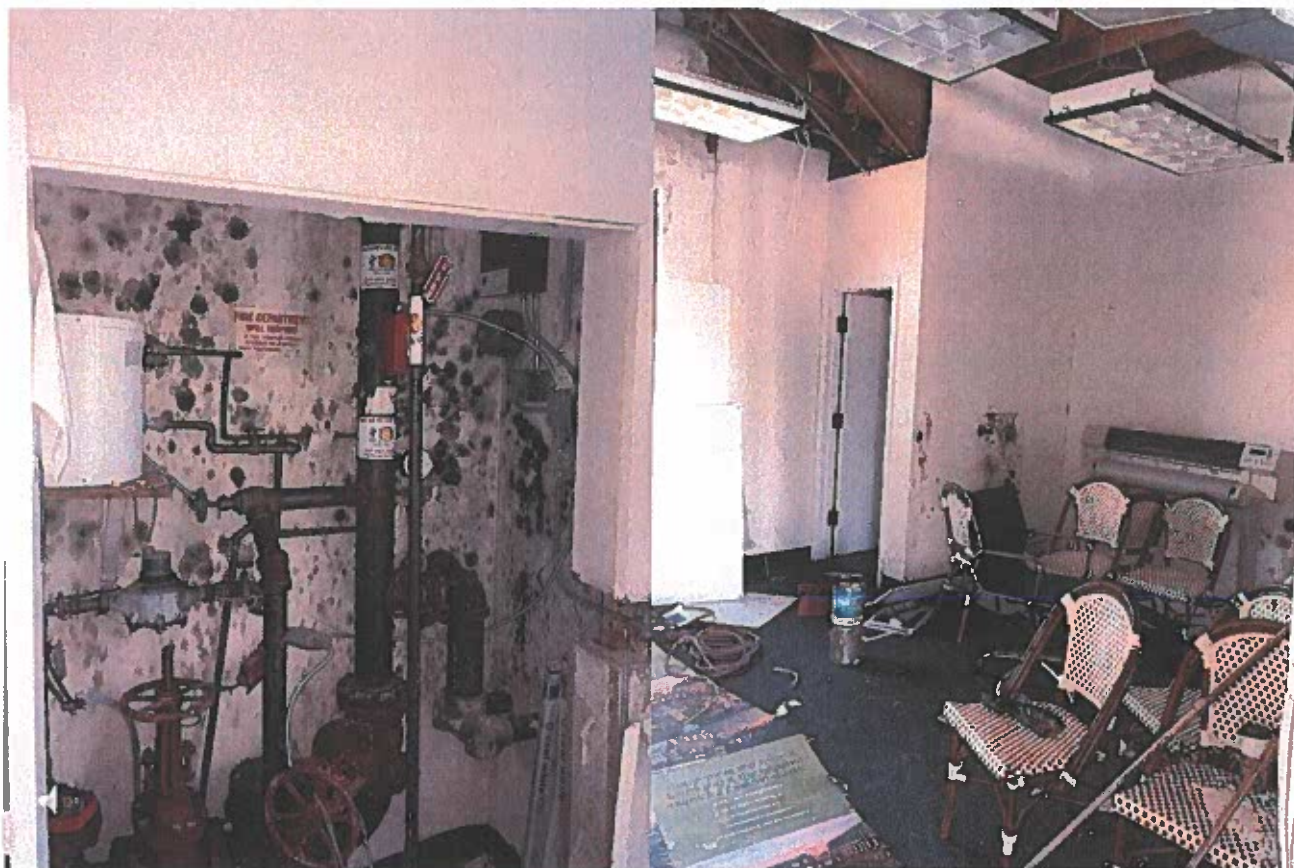
Description

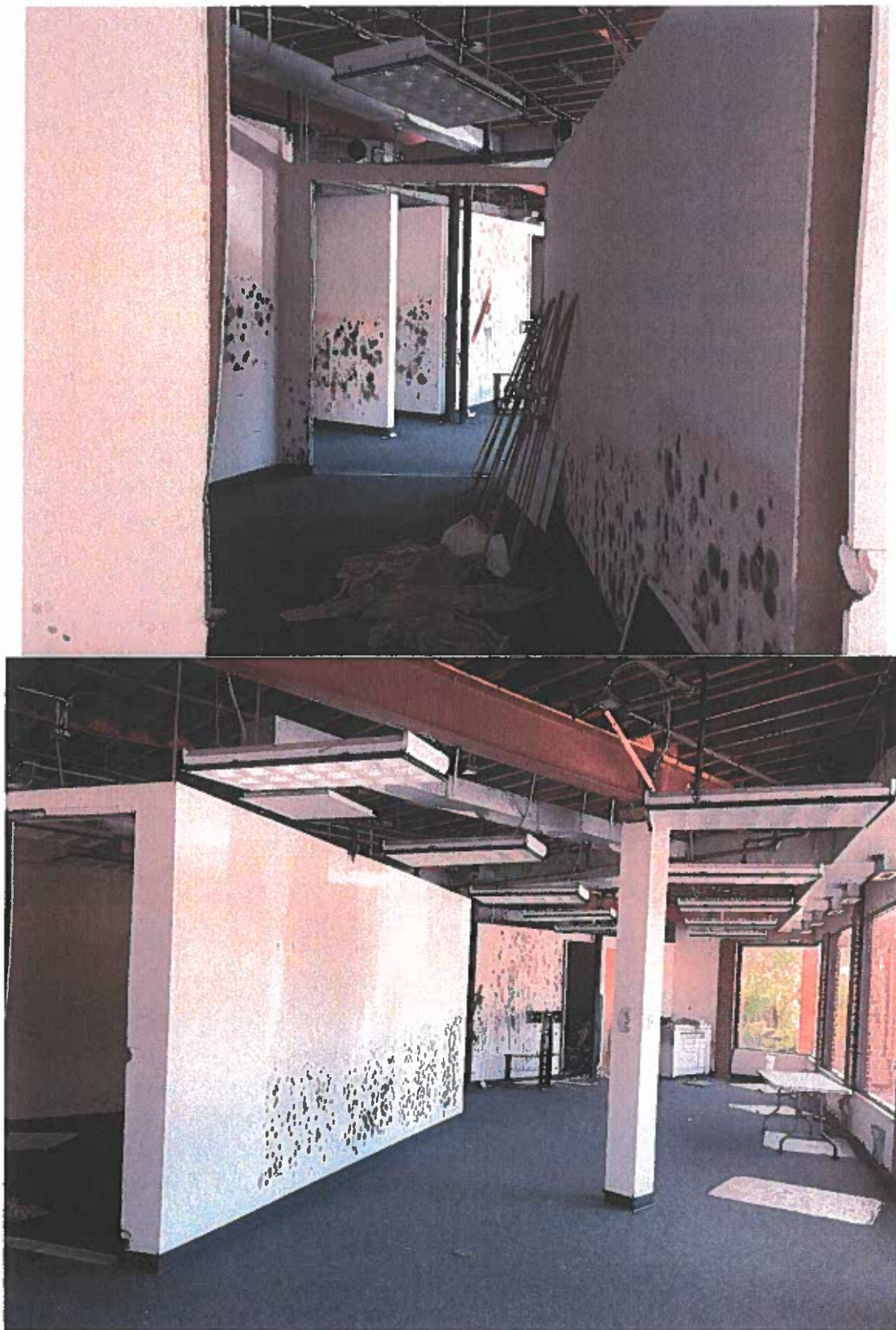
FILED DATE: 7/11/2019 12:27 PM 20192002942





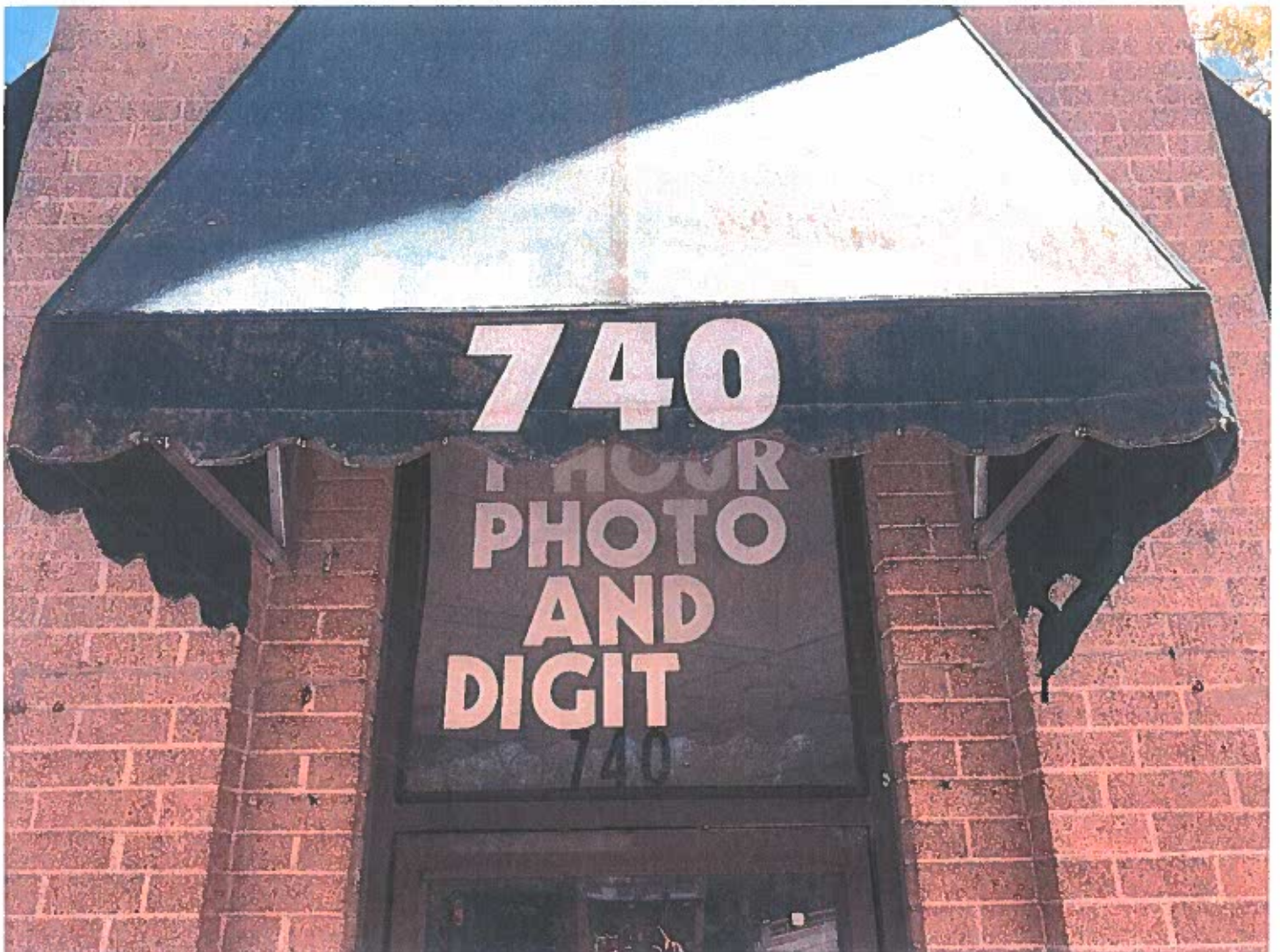


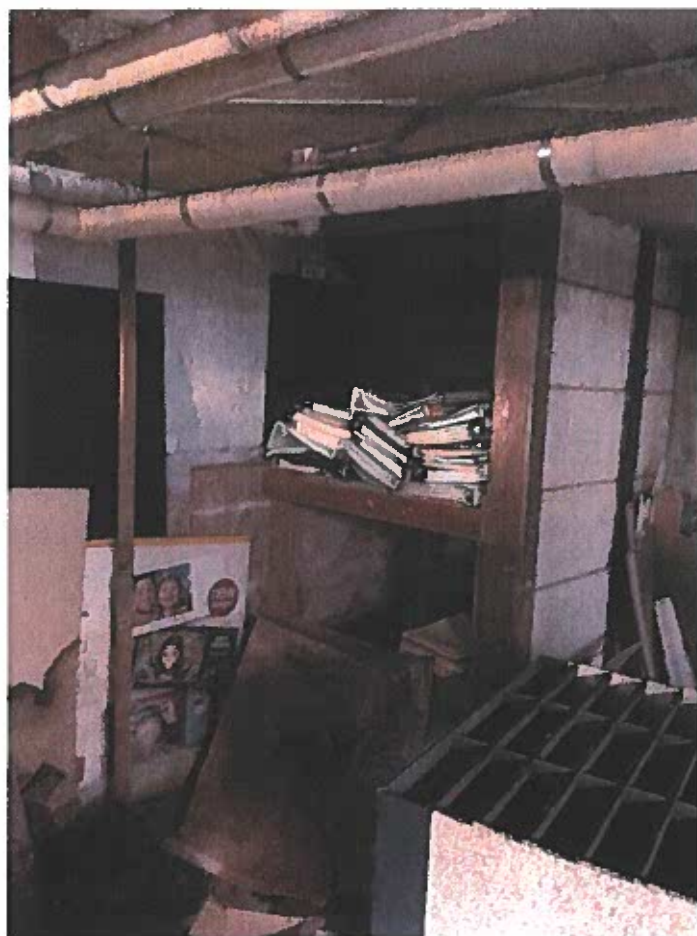
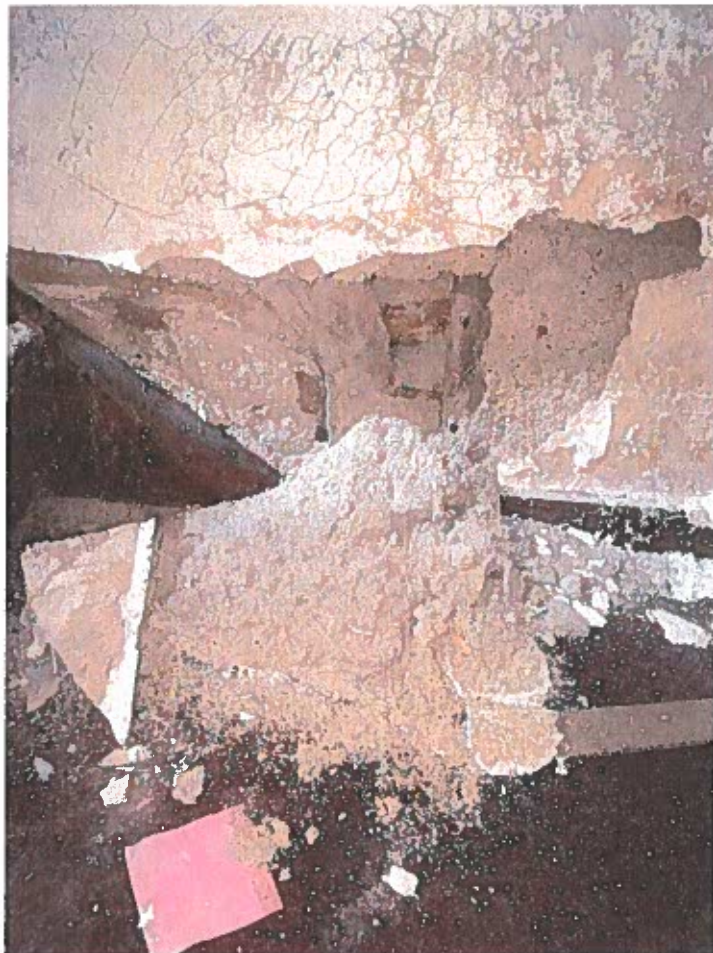


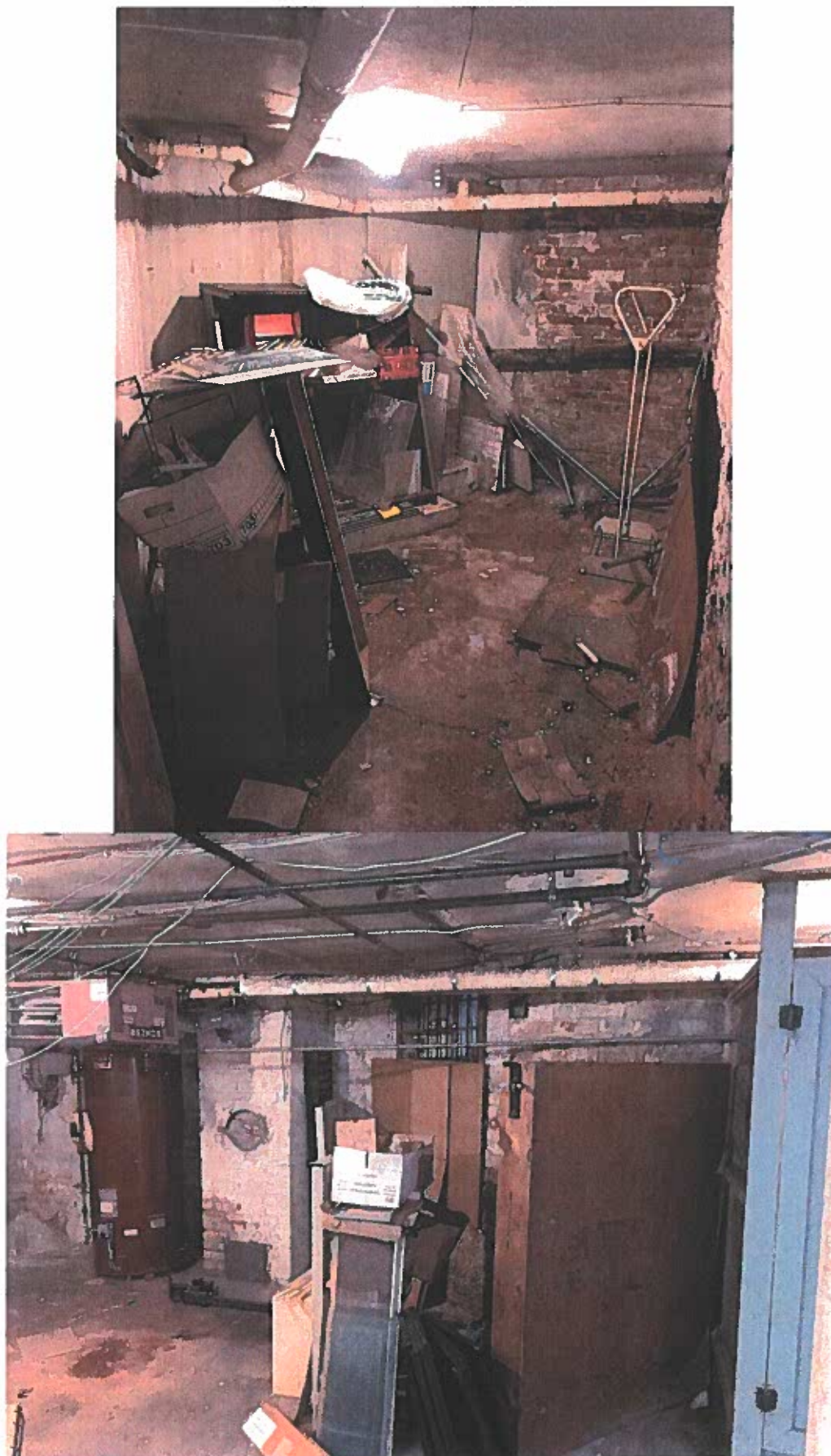


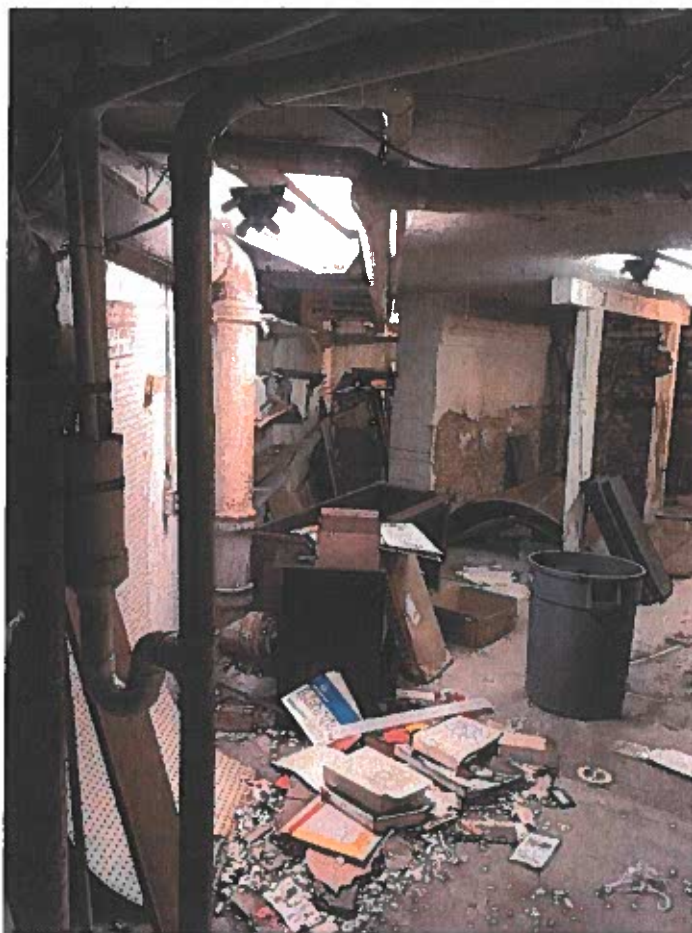
Address – 740 Elm

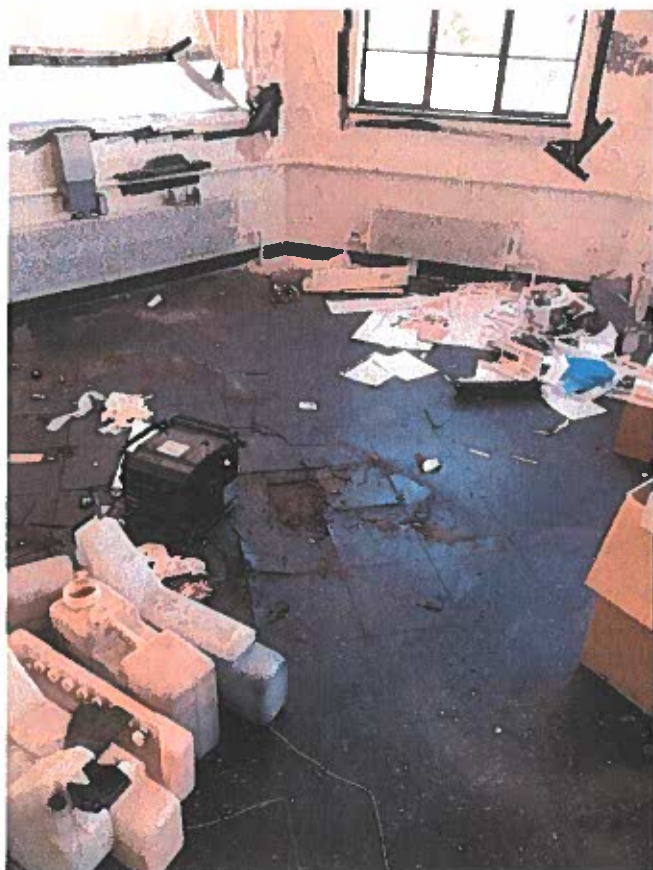
Description



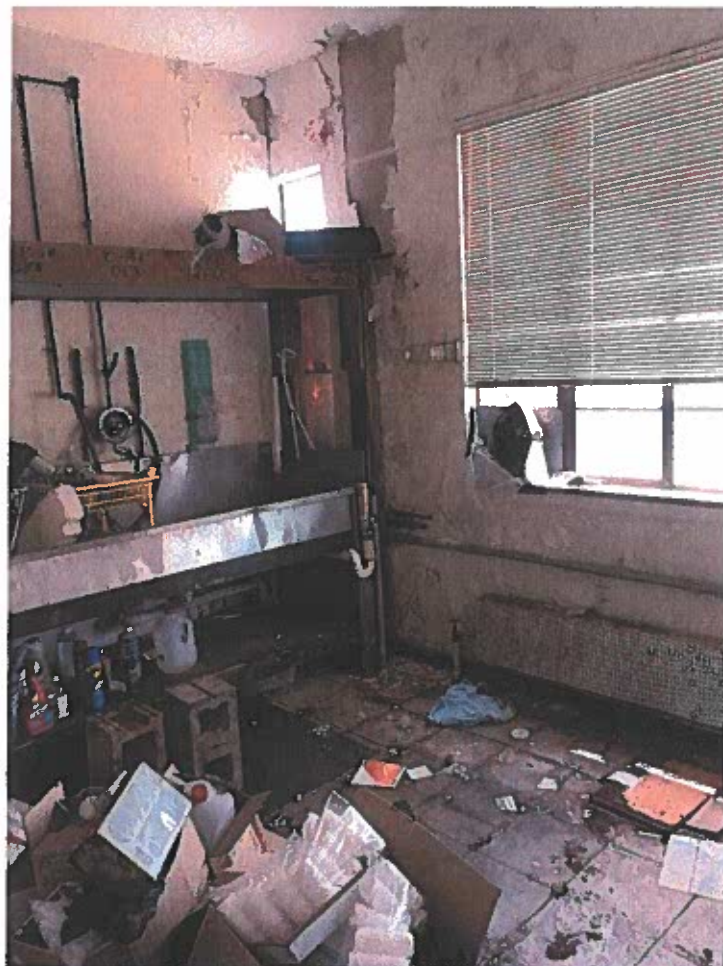


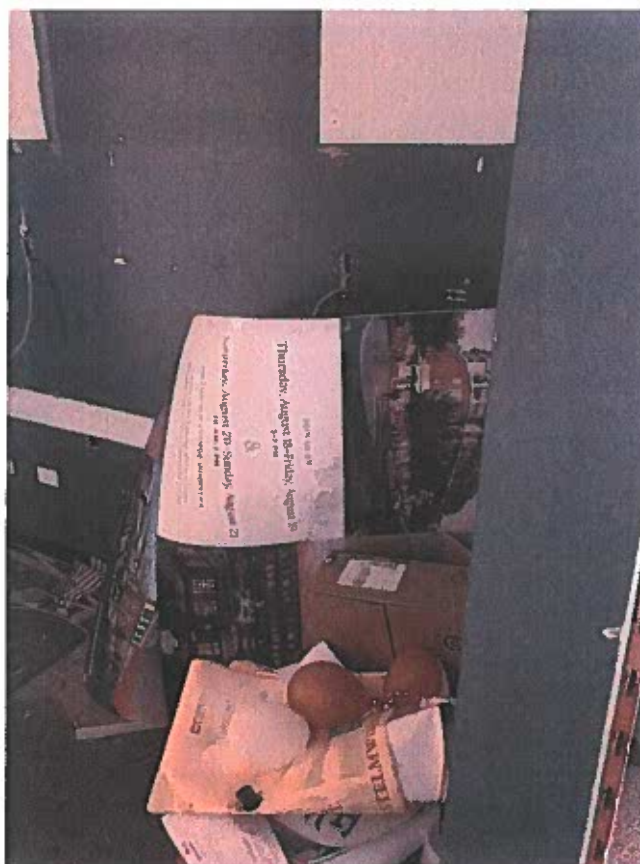








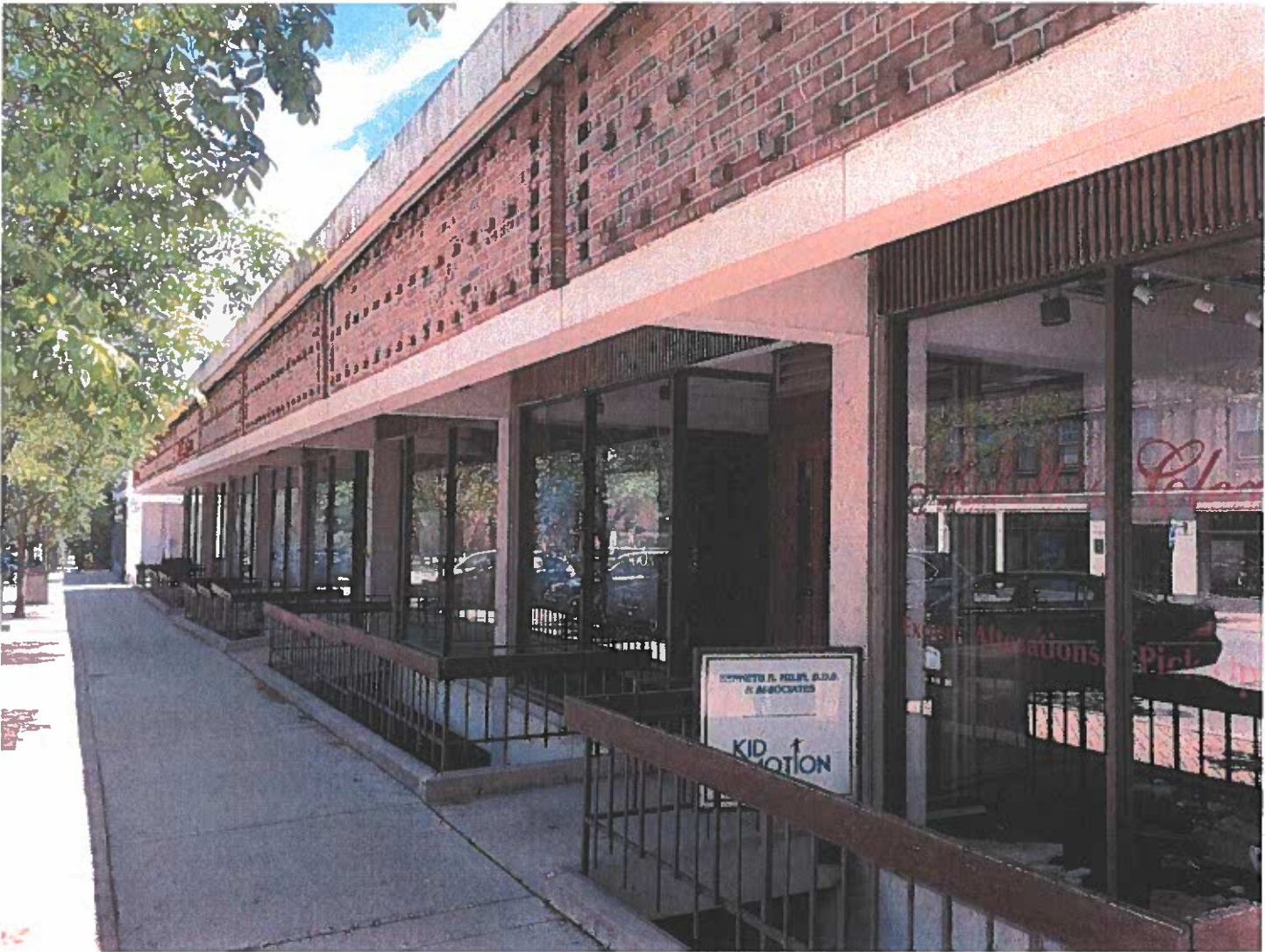




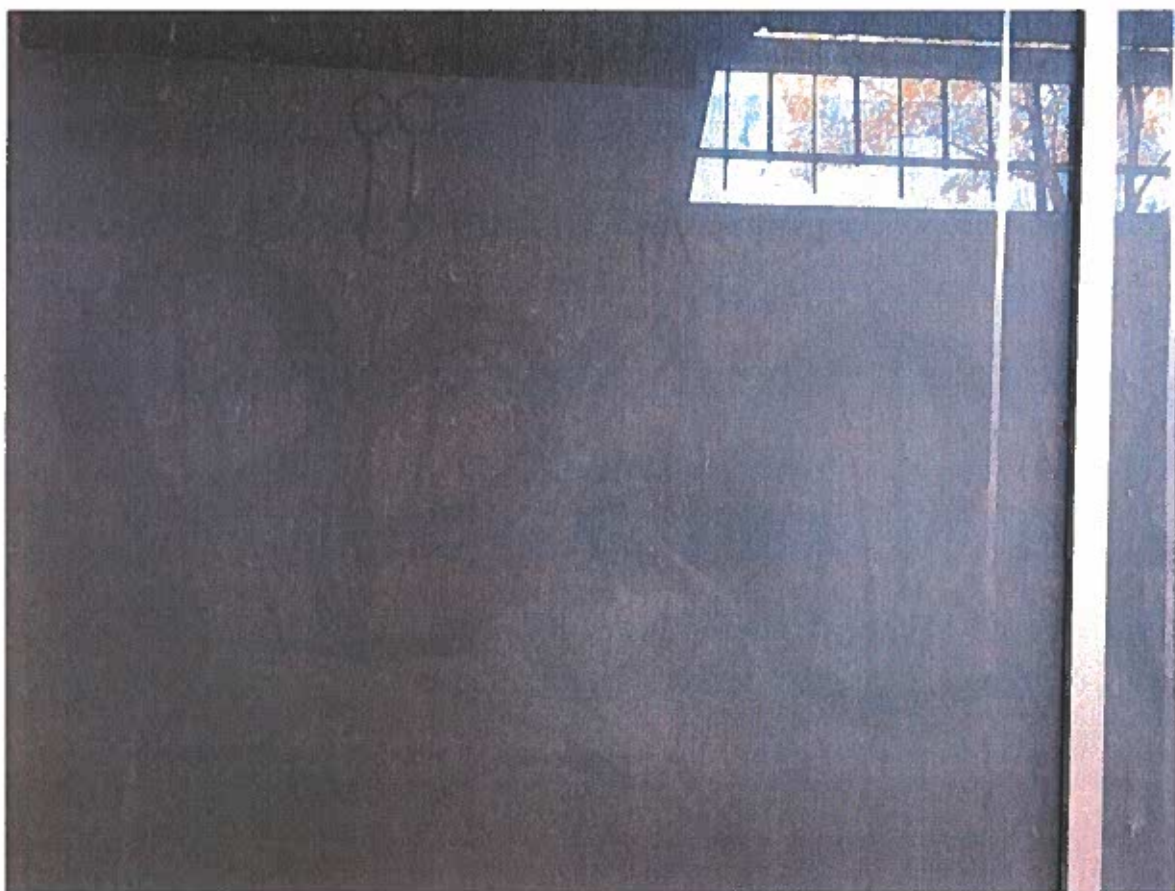


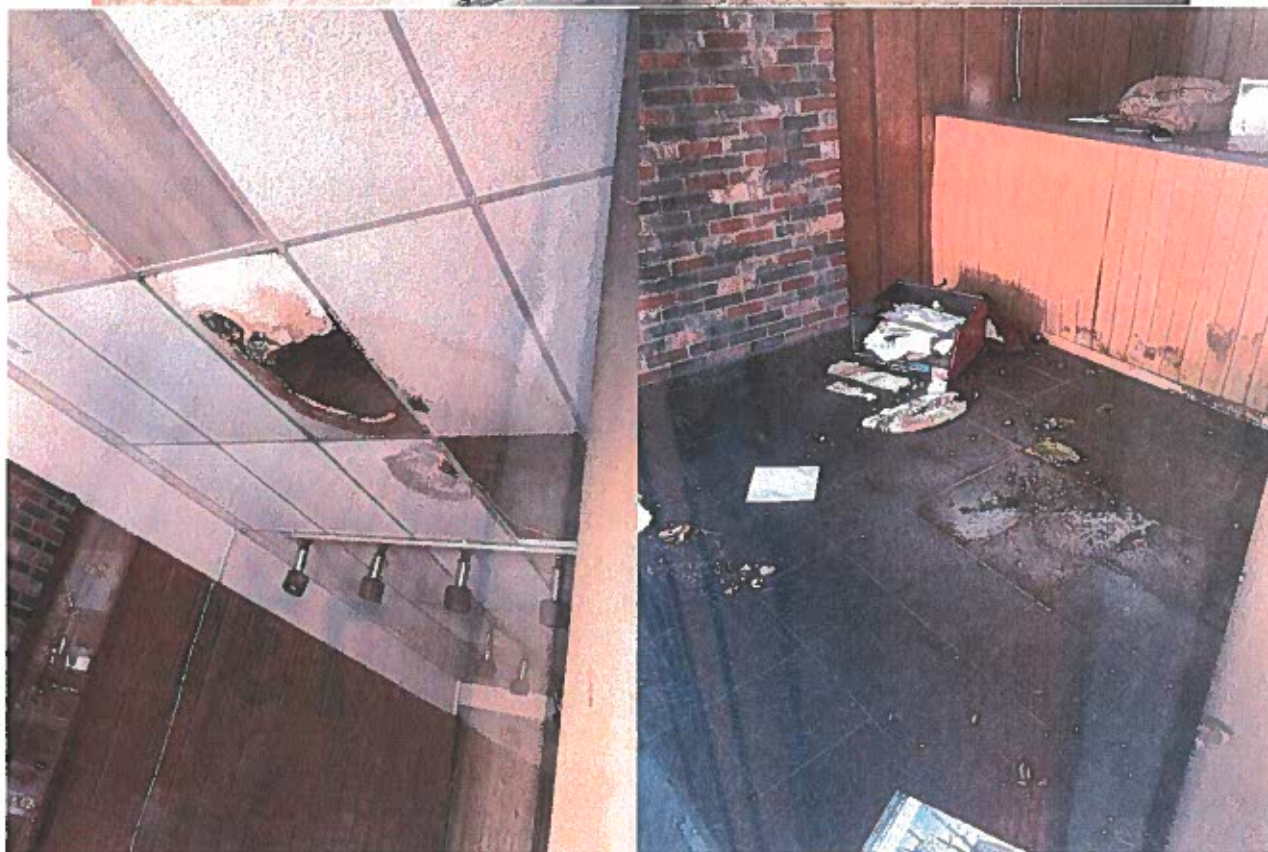
Address – 718-732 Elm

Description

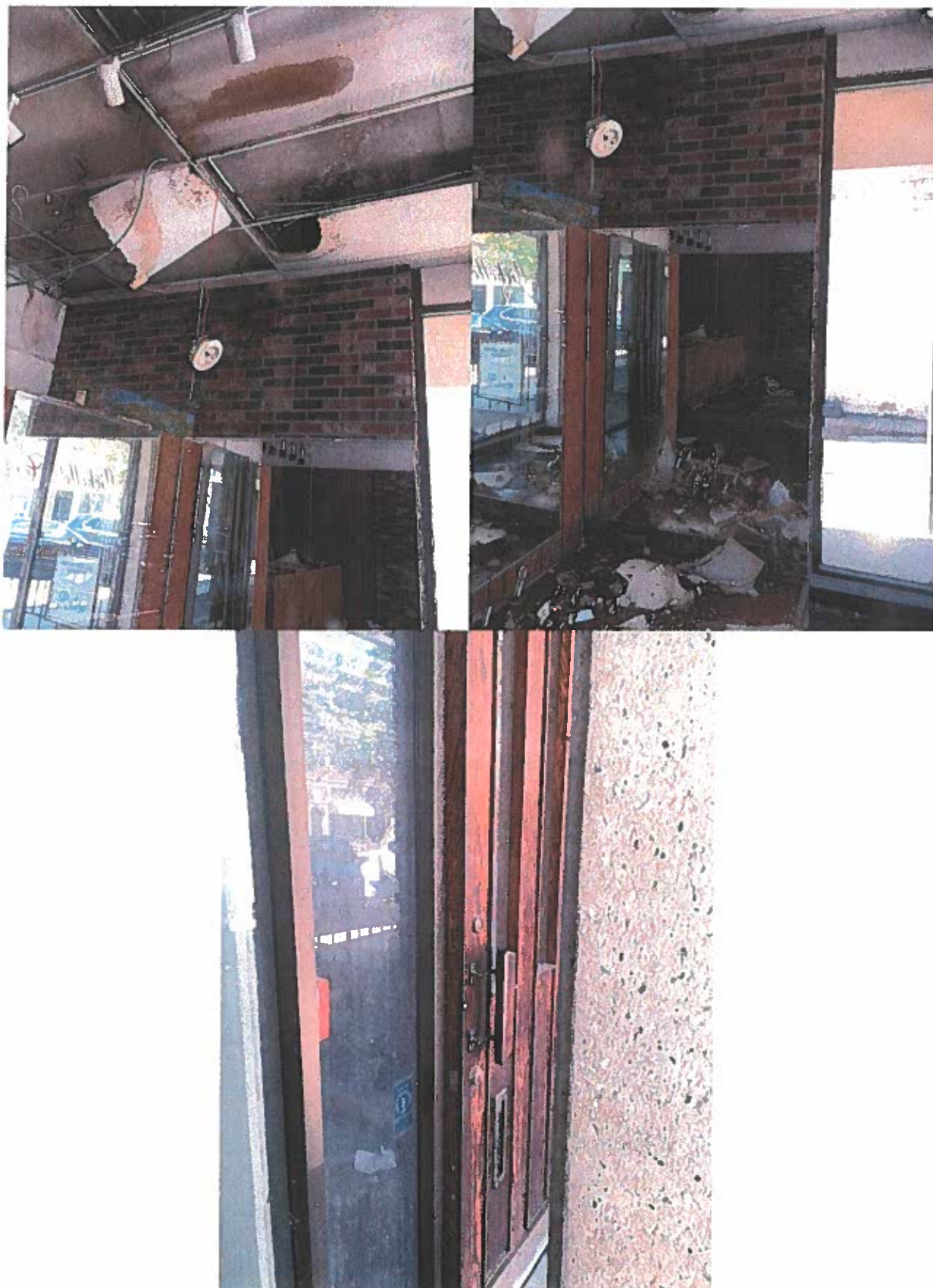










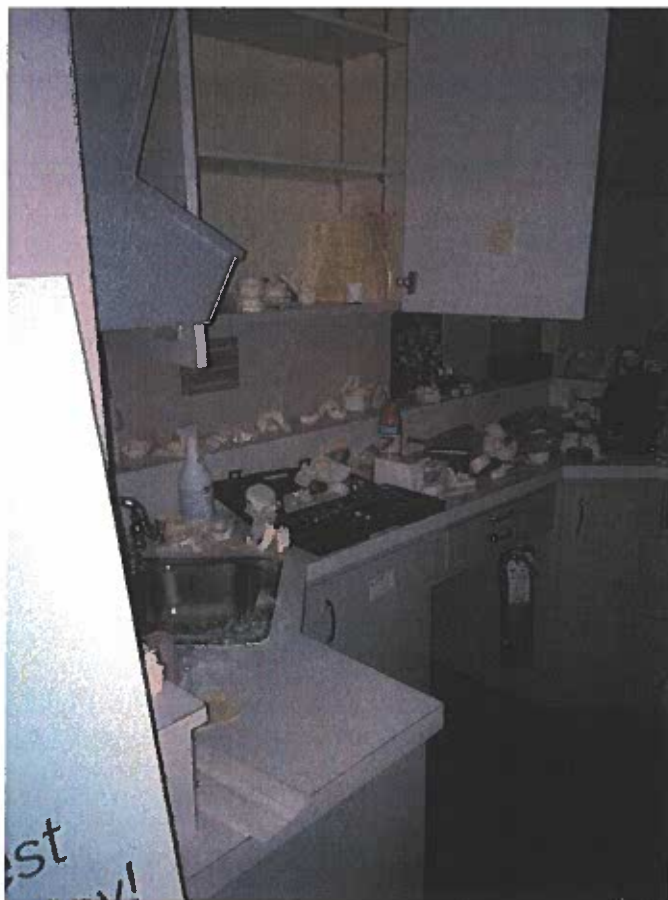


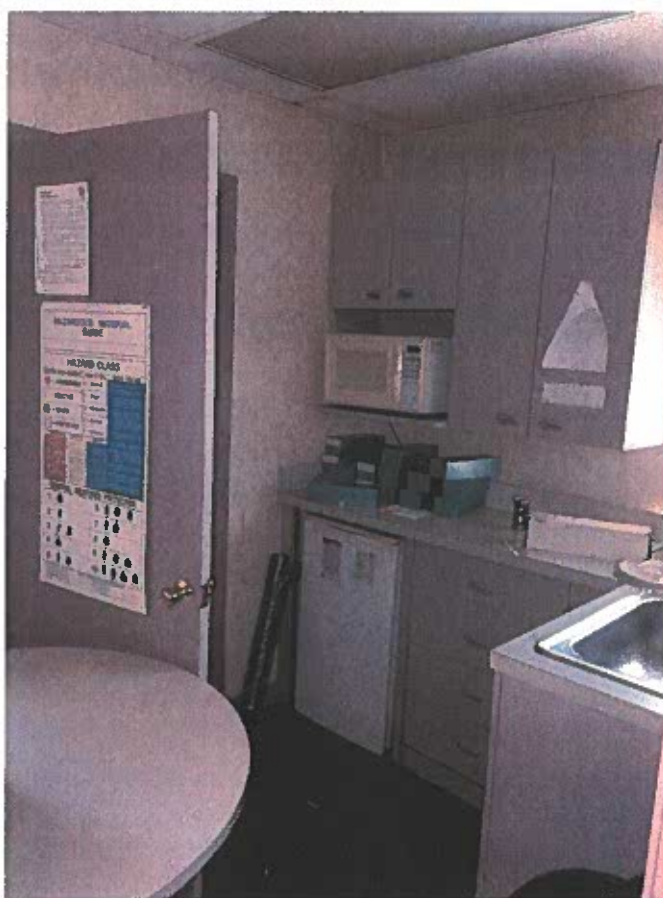
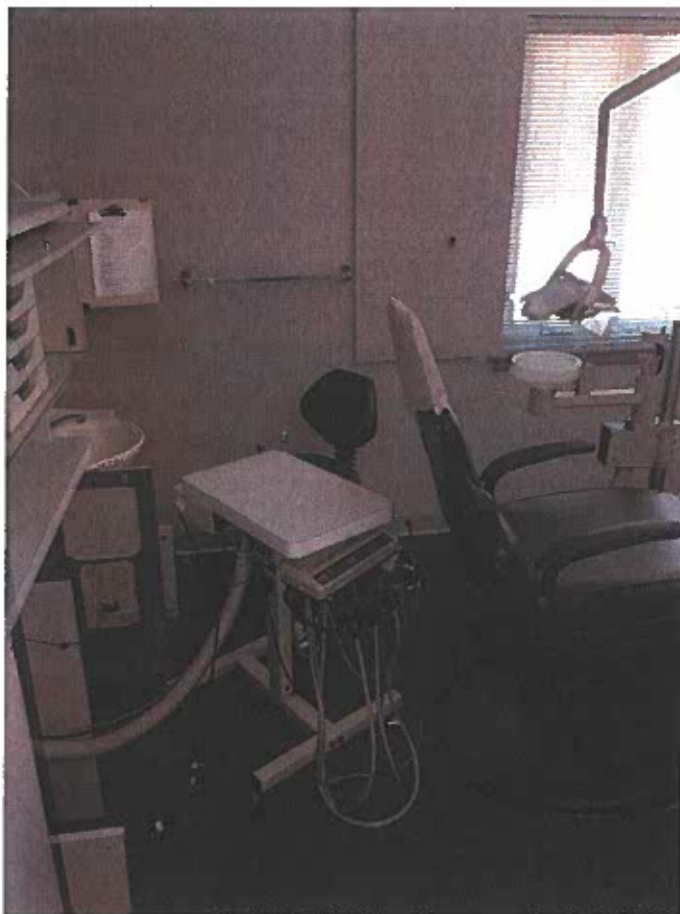
Address – 714-716 Elm

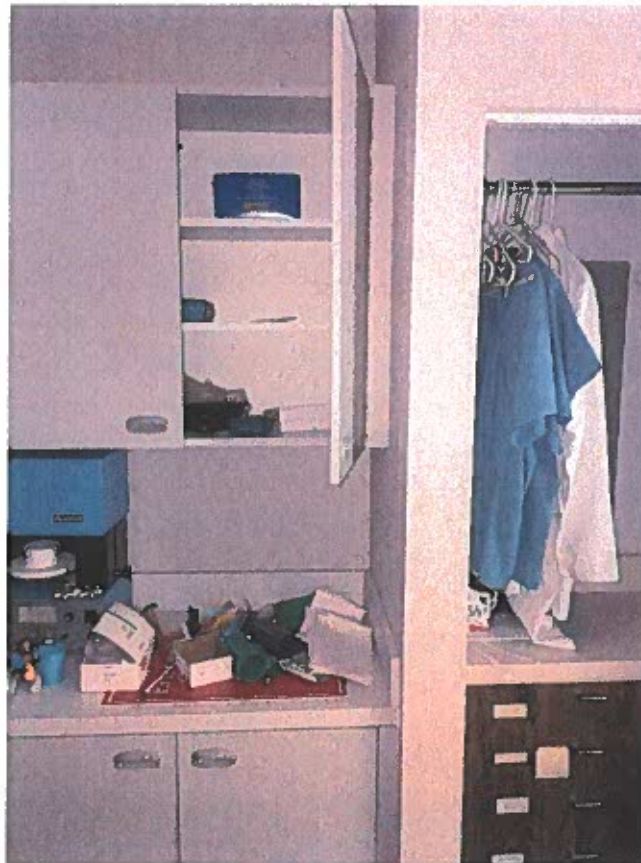
Description

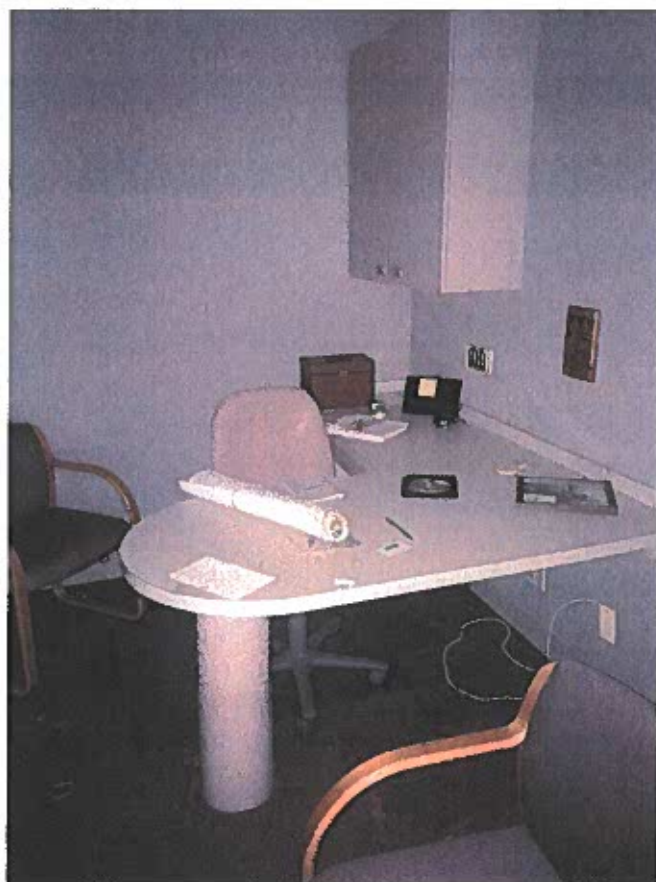
FILED DATE: 7/11/2019 12:27 PM 20192002942



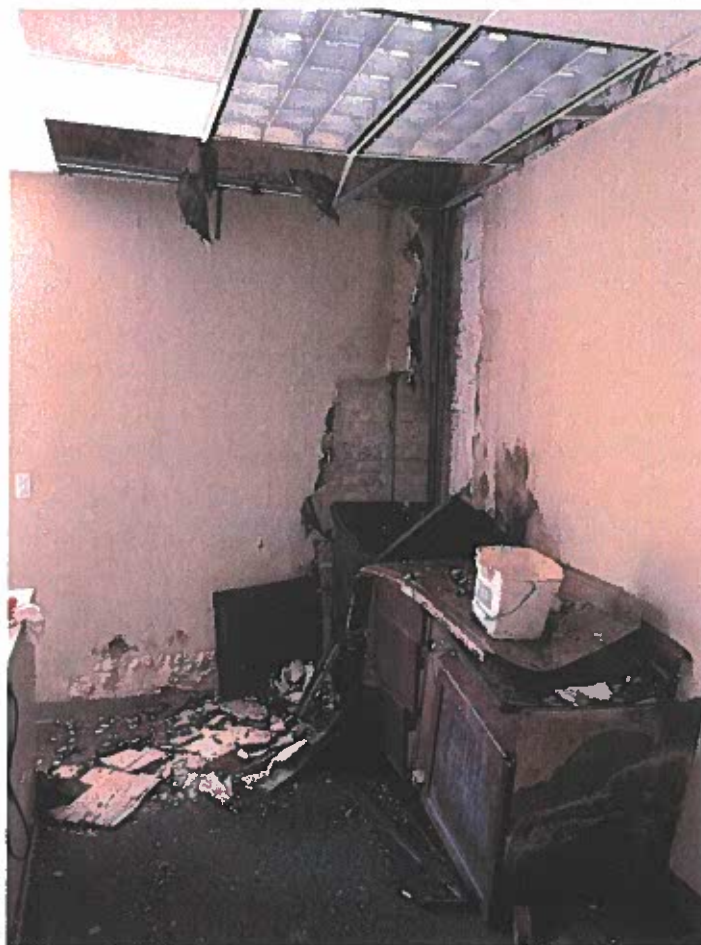




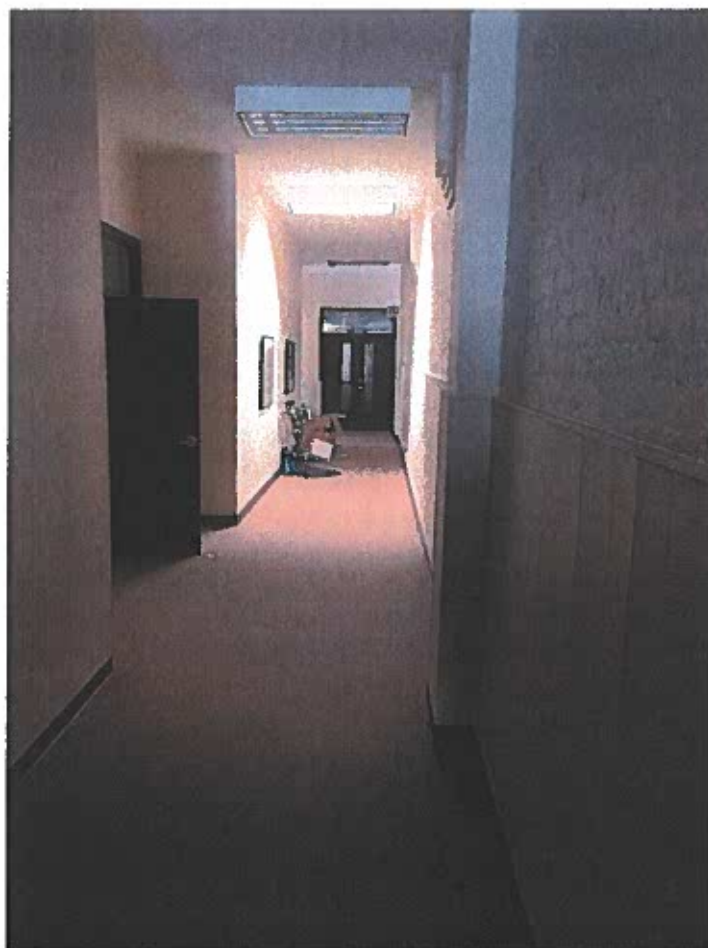


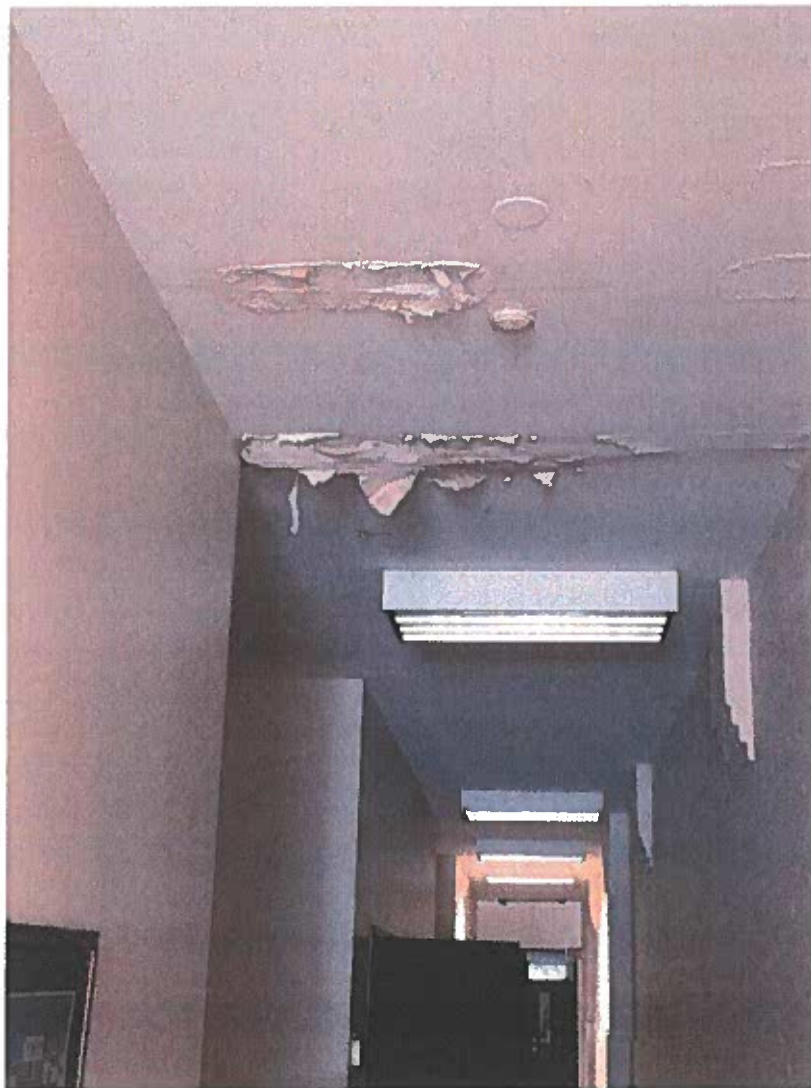


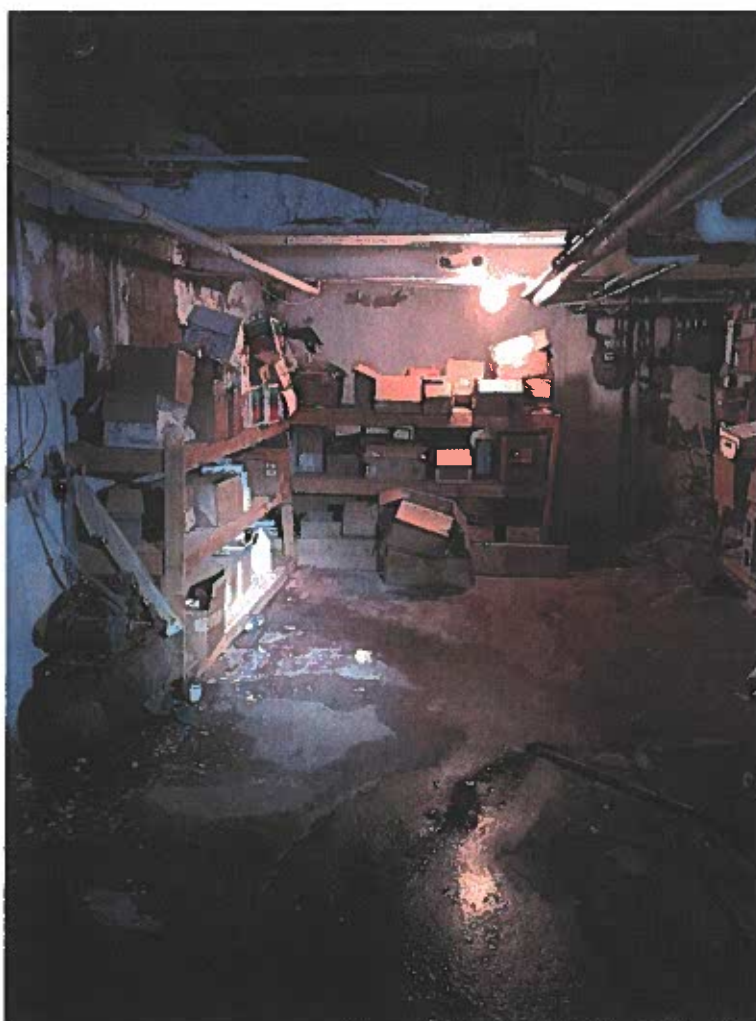












David Schoon

From: Brian Norkus
Sent: Tuesday, June 11, 2019 3:32 PM
To: Skeet Walker
Cc: David Schoon; Alex Panek
Subject: Photos to accompany earlier email
Attachments: IMG_4108.jpg; ATT00001.txt; IMG_4106.jpg; ATT00002.txt; IMG_4105.jpg; ATT00003.txt; IMG_4101.jpg; ATT00004.txt

Weeds to south of 714 elm should also be cut. May want to do some general cleanup (windows, trash pickup) in other storefronts given the visibility of the site.









David Schoon

From: Brian Norkus
Sent: Wednesday, June 12, 2019 4:17 PM
To: Skeet Walker; Skeet Walker
Cc: David Schoon; Alex Panek
Subject: RE: Code enforcement - elm and Lincoln

Skeet,

I went by the building this afternoon to follow up on yesterday's conversation about the unsecured doors, which had not been secured when I arrived. The rear basement door at 718-732 Elm ("phone meter room") is still partially open. The door appears to be hung up on the metal threshold, which is bent upward and blocking the door from being shut (see photos below).

I recommend you send someone out with a hammer and wrecking bar and either hammer the threshold back down so the door can be closed, or possibly pry it out and remove, so that the door can be closed and locked again.





-----Original Message-----

From: Brian Norkus

Sent: Tuesday, June 11, 2019 3:29 PM

To: Skeet Walker

Cc: David Schoon; Alex Panek
Subject: Code enforcement - elm and Lincoln

Skeet - writing to follow up on our phone conversation earlier today. There are three doors which need to be secured ASAP, but no later than noon tomorrow. Doors at the front of 724 elm, front entrance to kid motion space, and rear door of elm st building labeled "phone meter room" are currently unlocked.

Windows at former Michelle's cleaners and building at 515 Lincoln should be fully covered with butcher paper as soon as possible, but by Friday afternoon at the latest. Will look into window graphic option after paper is installed.

Lastly, two windows at fell store are partially open and allow water and birds to enter. Photos to follow.

Sent from my iPhone

David Schoon

From: David Schoon
Sent: Monday, June 17, 2019 3:22 PM
To: 'Skeet Walker'; David Trandel (dtrandel@springbankreg.com)
Cc: Brian Norkus; Robert Bahan; Peter Friedman HKLaw; Alan Berkowsky; John Ripka; Alex Panek
Subject: RE: One Winnetka Properties

Good Afternoon Skeet –

Please provide the Village with an update regarding the maintenance issues at One Winnetka properties, specifically: securing the buildings, covering windows, and removing materials from view of the windows.

I visited the site this afternoon, and it appears limited improvements have been made. Please let us know what specific actions you have taken and what specific actions you plan to take and by when.

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: Skeet Walker [mailto:swalker@ca-designbuild.com]
Sent: Wednesday, June 12, 2019 5:30 PM
To: David Schoon; David Trandel (dtrandel@springbankreg.com)
Cc: Brian Norkus; Robert Bahan; Peter Friedman HKLaw
Subject: RE: One Winnetka Properties

David S.

Thank you for keeping us abreast of the situation of the site.

As you know, as we are made aware of situations at the site, we respond as quickly as we can.

I replied to Brian's email earlier today.

Our service techs are scheduled to do what's necessary to comply with Brian's requests and to make the buildings as presentable as possible for the upcoming Music Festival and beyond.

We have done our best under the circumstances to keep the vacant buildings in as good a condition as we can.

Our commitment to the project and to the Village overall has and will remain of utmost importance to us.

The most evident sign of our commitment is the fact that we're still here, doing what we can to get the project under way and completed in a manner that will make the Village proud of the downtown area.

Like the Village Staff and Council, we also get emails and calls about the condition of the property, both positive and negative.

As always, we strive to do what is required of us.

If other issues arise, do not hesitate to let us know and we'll address them as quickly as we can.

I'll keep all informed as to the progress in correcting the issues Brian has made us aware of.

Regards,
-Skeet

From: David Schoon [mailto:DSchoon@winnetka.org]

Sent: Wednesday, June 12, 2019 5:01 PM

To: David Trandel (dtrandel@springbankreg.com) <dtrandel@springbankreg.com>

Cc: Skeet Walker <swalker@ca-designbuild.com>; Brian Norkus <BNorkus@winnetka.org>; Robert Bahan <RBahan@winnetka.org>; Peter Friedman HKLaw <peter.friedman@hklaw.com>

Subject: One Winnetka Properties

[External Email]

David –

Yesterday, Brian Norkus reached out to Skeet Walker to discuss the following issues:

- All doors and windows to buildings must be secured to prevent non-authorized individuals and animals from entering the buildings. Over the weekend the Police Department were made aware of teenagers in one of the buildings and had to escort them from the building. Brian visited the site today, and not all of the doors were secure. He sent the attached email to Skeet.
- Those buildings/spaces with considerable bacterial growth due to moisture (515 Lincoln and former Michelle Cleaner's space at 730 Elm Street) should have their windows and doors covered with an opaque material that would not promote bacterial growth and that would help create a barrier to minimize odors coming from the building.

Both of these items should be taken care of by 1:00 p.m. on Friday, June 14.

For your information, the Village continues to receive complaints from residents regarding the condition of buildings on the proposed One Winnetka site. For example, attached is the most recent one in writing. With the Winnetka Music Festival taking place in front of your buildings in less than two weeks, we encourage you to take further actions to improve the appearance of the interior of the buildings by removing materials from view of the windows or covering the windows.

We know you had hoped to have started the project by now, but until the project starts the condition of the buildings is a reflection of your commitment to the community, in particular to the appearance of the community. A good portion of the community will experience that commitment on June 21 and 22, and if members of the community experience the buildings as they are today, I would expect staff and Village Council members to receive even more comments regarding the condition of the buildings.

David Schoon, Director

Community Development

Village of Winnetka

510 Green Bay Road

Winnetka, IL 60093

847-716-3526

dschoon@winnetka.org

This message may contain information that is confidential, legally privileged, or subject to other restrictions on use or redistribution. This message is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this message, or if you have received this message in error, you are hereby notified that any review, dissemination, distribution, or duplication of this message or the information contained within it is strictly prohibited. If you are not the intended recipient, please so notify the sender by reply email and delete all copies of the original message.

David Schoon

From: Skeet Walker <swalker@ca-designbuild.com>
Sent: Wednesday, June 19, 2019 5:06 PM
To: David Schoon
Cc: David Trandel (dtrandel@springbankreg.com)
Subject: Re: 714-716 Elm Street - Water in Basement

David,
I'm sure the assessment is correct.
The sump pump is not running because the utilities have been turned off!!
We're working on getting funds together to pay and get them turned back on..
Obviously, we'll keep you posted on developments.
-Skeet

R. L. "Skeet" Walker
Senior Superintendent | CA Design Build
[130 East Randolph | Suite 2100 | Chicago, IL 60601](#)
Cell: [918-625-6536](tel:918-625-6536)
swalker@ca-designbuild.com
www.ca-ventures.com



On Jun 19, 2019, at 4:52 PM, David Schoon <DSchoon@winnetka.org> wrote:

[External Email]

Skeet –

I left you a voicemail message this afternoon to inform you that when the Village's meter readers were in the 714-716 Elm Street building to read the meters, they discovered standing water in a room in the rear of basement in the area they referred to as the "dentist's basement". Their assessment of the situation is that a sump pump is no longer running and that ground water is collecting in this portion of the basement.

When would you be available to meet me on site tomorrow to confirm their assessment? I am available at any time except between 11 and 12.

David Schoon, Director
Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093
847-716-3526
dschoon@winnetka.org

This message may contain information that is confidential, legally privileged, or subject to other restrictions on use or redistribution. This message is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this message, or if you have received this message in error, you are hereby notified that any review, dissemination, distribution, or duplication of this message or the information contained within it is strictly prohibited. If you are not the intended recipient, please so notify the sender by reply email and delete all copies of the original message.

FILED DATE: 7/11/2019 12:27 PM 20192002942

David Schoon

From: John Ripka
Sent: Tuesday, July 2, 2019 2:54 PM
To: Alan Berkowsky; David Schoon; Megan Pierce
Cc: Robert Bahan; Peter Friedman HKLaw
Subject: Note to file for One Winnetka meeting

FYI – the following note was placed in the Fire Department One Winnetka file:

7/2/19 – 12:00PM

Director Schoon, Assistant VM Pierce, Chief Berkowsy, DC Ripka, David Trandel and Skeet Walker met in the Village Hall conference room to discuss the violations in the ***Notice of Unsafe Property Complaint*** from June 20, 2019. Mr. Trandel expressed his frustration in their ability to purchase Connie's Pharmacy in order to move the project forward. Both Trandel and Walker stated there have been issues gaining funding to comply with the Village's requirements on maintaining the properties. They agreed to start removing all combustibles, mitigate the mold issues, properly secure each property and restore functional fire alarm systems in the next 5-10 business days. Mr. Walker will provide an update to the group via email by the end of day on July 3, 2019 with their timeline needed to correct the violations.

John P Ripka

Deputy Fire Chief
Winnetka Fire Department
428 Green Bay Rd.
Winnetka IL 60093
Phone 847.501.6029
Fax 847.446.7989

David Schoon

From: David Schoon
Sent: Friday, July 5, 2019 3:29 PM
To: 'Skeet Walker'
Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com); Robert Bahan; Megan Pierce; Peter Friedman HKLaw; Brian Norkus
Subject: RE: Update - Service Pro

Skeet –

I received your voicemail message in which you stated that you have heard back from Service Pro, and you plan to meet them on site on Monday morning to determine how to address the bacterial growth occurring in the building.

In your email below, you did not mention contacting the North Shore Mosquito Abatement District regarding treating the standing water in the lower parking area of the 511-13 Lincoln building. If you have contacted them, please let me know. If you have not contacted them, **contact them immediately and then let you know you have**. Their phone number is 847-446-9434.

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: Skeet Walker [<mailto:swalker@ca-designbuild.com>]
Sent: Friday, July 5, 2019 2:33 PM
To: David Schoon
Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com)
Subject: Update

David,
To update you on where we are in getting things taken care of.

Our alarm tech will be on site Monday or Tuesday to finish up getting the alarm systems up.

I've been in contact with Fox Valley to sort through the open invoices. We should be able to get them paid Monday (8th) or Tuesday (9th) which will clear the war for a radio at 740 Elm.

Junk King is scheduled to be on site Wednesday the 10th to remove the combustibles from the vacant spaces.

I reached out to Dr. Czarkowski regarding the things in his old office and that they needed to be removed. He's out of the office until Monday so I expect to hear back from him then.

I have calls out to contractors to patch the leaking roof at 718-732 and 714-716 buildings.

Should hear back and be able to get repairs made next week.

Have not heard back from Service Pro re: mold clean up.

I'll check on the sump pump situation at 511 over the weekend.

Thanks again for your patience and understanding.

-Skeet

R. L. "Skeet" Walker

Cell: 918-625-6536

This message may contain information that is confidential, legally privileged, or subject to other restrictions on use or redistribution. This message is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this message, or if you have received this message in error, you are hereby notified that any review, dissemination, distribution, or duplication of this message or the information contained within it is strictly prohibited. If you are not the intended recipient, please so notify the sender by reply email and delete all copies of the original message.

David Schoon

From: David Schoon
Sent: Tuesday, July 9, 2019 1:54 PM
To: 'Skeet Walker'
Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com); Robert Bahan; Megan Pierce; Peter Friedman HKLaw; Brian Norkus
Subject: RE: Update - NSMAD - Follow Up

Skeet –

The NSMAD was able to visit the site today. They did observe a significant number of mosquitos in their various forms (larvae, adults, etc.), so they did treat the area to control the mosquitos.

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: Skeet Walker [mailto:swalker@ca-designbuild.com]
Sent: Tuesday, July 9, 2019 1:01 PM
To: David Schoon
Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com); Robert Bahan; Megan Pierce; Peter Friedman HKLaw; Brian Norkus
Subject: RE: Update - NSMAD

David Schoon,

My guy will be there tomorrow to check on the sump pump in order to clear out the water in the lower level.

Alarm Tech is scheduled to be there tomorrow.

Still working with Fox Valley to sort through the open invoices.
We should be able to get them paid this week.

Junk King is scheduled to be on site Wednesday the 10th to remove the combustibles from the vacant spaces.

Dr. Czarkowski will have his things out.
Anything he leaves, I'll have hauled off.

ServPro will be at the site Tuesday the 16th to take care of the mold.

I have not heard back from the two contractors for roof repair.

-Skeet

From: David Schoon [mailto:DSchoon@winnetka.org]

Sent: Tuesday, July 9, 2019 10:58 AM

To: Skeet Walker <swalker@ca-designbuild.com>

Cc: John Ripka <jripka@Winnetka.org>; Alan Berkowsky <ABerkowsky@winnetka.org>; David Trandel (dtrandel@springbankreg.com) <dtrandel@springbankreg.com>; Robert Bahan <RBahan@winnetka.org>; Megan Pierce <MPierce@winnetka.org>; Peter Friedman HKLaw <peter.friedman@hklaw.com>; Brian Norkus <BNorkus@winnetka.org>

Subject: RE: Update - NSMAD

[External Email]

Skeet –

Since I have not heard from you regarding whether or not you have contacted the North Shore Mosquito Abatement District, I have reached out to the District. This morning, I spoke with Dave Zazra of the District, and he said they would be sending someone out this week to inspect the site and to treat the standing water if necessary.

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: David Schoon

Sent: Friday, July 5, 2019 3:29 PM

To: 'Skeet Walker'

Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com); Robert Bahan; Megan Pierce; Peter Friedman HKLaw; Brian Norkus

Subject: RE: Update - Service Pro

Skeet –

I received your voicemail message in which you stated that you have heard back from Service Pro, and you plan to meet them on site on Monday morning to determine how to address the bacterial growth occurring in the building.

In your email below, you did not mention contacting the North Shore Mosquito Abatement District regarding treating the standing water in the lower parking area of the 511-13 Lincoln building. If you have contacted them, please let me know. If you have not contacted them, **contact them immediately and then let you know you have.** Their phone number is 847-446-9434.

David Schoon, Director

Village of Winnetka Community Development
847-716-3526

From: Skeet Walker [<mailto:swalker@ca-designbuild.com>]

Sent: Friday, July 5, 2019 2:33 PM

To: David Schoon

Cc: John Ripka; Alan Berkowsky; David Trandel (dtrandel@springbankreg.com)

Subject: Update

David,

To update you on where we are in getting things taken care of.

Our alarm tech will be on site Monday or Tuesday to finish up getting the alarm systems up.

I've been in contact with Fox Valley to sort through the open invoices. We should be able to get them paid Monday (8th) or Tuesday (9th) which will clear the way for a radio at 740 Elm.

Junk King is scheduled to be on site Wednesday the 10th to remove the combustibles from the vacant spaces.

I reached out to Dr. Czarkowski regarding the things in his old office and that they needed to be removed.

He's out of the office until Monday so I expect to hear back from him then.

I have calls out to contractors to patch the leaking roof at 718-732 and 714-716 buildings.

Should hear back and be able to get repairs made next week.

Have not heard back from Service Pro re: mold clean up.

I'll check on the sump pump situation at 511 over the weekend.

Thanks again for your patience and understanding.

-Skeet

R. L. "Skeet" Walker

Cell: 918-625-6536

This message may contain information that is confidential, legally privileged, or subject to other restrictions on use or redistribution. This message is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this message, or if you have received this message in error, you are hereby notified that any review, dissemination, distribution, or duplication of this message or the information contained within it is strictly prohibited. If you are not the intended recipient, please so notify the sender by reply email and delete all copies of the original message.

This message may contain information that is confidential, legally privileged, or subject to other restrictions on use or redistribution. This message is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this message, or if you have received this message in error, you are hereby notified that any review, dissemination, distribution, or duplication of this message or the information contained within it is strictly prohibited. If you are not the intended recipient, please so notify the sender by reply email and delete all copies of the original message.

Holland & Knight

131 South Dearborn Street, 30th Floor | Chicago, IL 60603 | T 312.263.3600 | F 312.578.6666
Holland & Knight LLP | www.hklaw.com

Peter M. Friedman
312.578.6566
peter.friedman@hklaw.com

June 20, 2019

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
AND FIRST CLASS MAIL**

To: Parties on Attached Service List

Re: ***Notice of Unsafe Property Complaint***
511-515 Lincoln Avenue, 714-732 Elm Street, 740 Elm Street, Winnetka, Illinois
Cook County, PIN Numbers 05-21-109-017-0000, 05-20-213-005-0000, 05-21-109-012-
0000, 05-21-109-003-0000, 05-20-213-006-0000, 05-21-109-020-0000, 05-20-213-004-
0000

My firm serves as Village Attorney for The Village of Winnetka (the "***Village***"). The Village has directed us to contact you concerning the ongoing violations of the Winnetka Village Code (the "***Village Code***") resulting from the failure to properly maintain the structures at 511-515 Lincoln Avenue, 714-732 Elm Street, and 740 Elm Street, Winnetka, Illinois 60093 (the "***Property***"). The Property has been and remains in an unsafe condition and unfit state for human occupancy pursuant to 65 ILCS 5/11-31-1, Sections 110.1, 110.1.1, 110.3, 110.4, 311.2.2, 311.3, and 901.6 of the 2009 International Fire Code as adopted by Section(s) 15.16.010 of the Village Code, and Section 116.1 of the 2009 International Property Maintenance Code ("IPMC"), adopted pursuant to Section 15.08.080 of the Village Code, all as further described in the attached Exhibit A.

Pursuant to 65 ILCS 5/11-31-1, this letter serves as notice to the owner and other persons interested in the Property that no earlier than 15 days from the date of this notice, if the conditions listed in the attached inspection report are not remedied, the Village intends to file with the Circuit Court of Cook County a complaint requesting authority to remediate the unsafe conditions at the Property pursuant to all available remedies under 65 ILCS 5/11-31-1 and all associated relief, including without limitation fines in the amount of \$750.00 per violation, per day, assessed from the date the violations first existed on the Property.

Please be aware that in addition to the fines described above, costs incurred by the Village with regard to the abatement of the unsafe structure(s) and nuisance (including all costs related to the abatement, court costs, attorney's fees, and other related costs) will be recoverable by the Village. These costs will act as a lien on the Property and have priority over all other interests pursuant to 65 ILCS 5/11-31-1(a).

Please contact me or my colleague Andrew Fiske (312-928-6006) as soon as possible to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Friedman". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Friedman".

Peter M. Friedman

ANF
Enclosure

#68699174_v1

Cc: Robert Bahan, Village Manager, Village of Winnetka
Alan Berkowsky, Fire Chief, Village of Winnetka
David Schoon, Director of Community Development, Village of Winnetka

SERVICE LIST

<p>SB One Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr., Ste 207 Bannockburn, IL 60015</p> <p>SB One Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors, LLC 730 West Randolph Street, Suite 500 Chicago, IL 60661</p>	<p>SB Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr., Ste 207 Bannockburn, IL 60015</p> <p>SB Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors 730 West Randolph Street, Suite 500 Chicago, IL 60661</p>
<p>Elm Street Pharmacy, LLC c/o Mark Jacobs, its Agent 736 Elm Street Winnetka, IL 60093</p>	<p>Rob Neumann 610 Sheridan Road Winnetka, IL 60093</p>
<p>Bridgeview Bank Group 7940 S. Harlem Avenue Bridgeview, IL 60455</p>	<p>Signature Bank 6400 N. Northwest Chicago, IL 60631</p>
<p>T2 Winnetka I, LLC c/o The Corporation Trust Co., Agent Corporation Trust Center 1209 Orange Street Wilmington, DE 19801</p>	<p>Romspen Mortgage Limited Partnership 162 Cumberland Street, Suite 300 Toronto, Ontario M5R 3N5</p>
<p>Sowlat Engineers, P.C. c/o Khorsrow Sowlat, its Agent 233 N. Michigan Ave., Suite 1720 Chicago, IL 60601</p>	<p>HomeServices of Illinois, LLC c/o CT Corporation System, its Agent 208 South LaSalle Street, Suite 814 Chicago, IL 60604</p>
<p>Okrent Kisiel Associates Inc. c/o George v. Kisiel, its Agent 122 S. Michigan Ave. Ste 1200 Chicago, IL 60603</p>	<p>Lucien LaGrange Studio, LLC c/o Alfredo O. Marr, its Agent 730 West Randolph Street, Suite 500 Chicago, IL 60661</p>
<p>First American Bank 1650 Louis Avenue Elk Grove Village, IL 60007</p>	<p>Conney's Pharmacy, Inc. c/o Michael E. Braude, its Agent 650 Dundee Road Ste 456 Northbrook, IL 60062</p>



REPORT OF ONGOING VIOLATIONS

This property report for the property at 511-515 Lincoln Avenue, 714-732 Elm Street, and 736-740 Elm Street, Winnetka, Illinois, Winnetka, Illinois 60093 ("Property") is issued pursuant to the Winnetka Village Code ("Village Code") to inform you that the undersigned code official(s) has grounds to believe the Property is in violation of one or more building, fire or life safety codes. Referenced International Codes: the 2009 International Fire Code ("IFC"), as adopted pursuant to Section 15.16.020 of the Village Code, the 2009 International Property Maintenance Code ("IPMC"), adopted pursuant to Section 15.08.080 of the Village Code.

The violations described below have been ongoing since approximately December 2018. There is no reason to believe based on the condition of the Property as of the date of this notice that any of the violations described below have been remedied. It is the Village's belief that all of the violations below continue to exist and that the interior of the structures on the Property have continued to deteriorate, including without limitation that the structures are open to the weather and to animals and birds. Bacterial growth previously observed within the structures and now visible from the street would continue to grow under these conditions.

As described below, the Village believes that these continuing violations at the Property demonstrate, without limitation, that the Property is unfit for human occupancy, unsafe, insecure, and endangers the public health, safety and welfare. The description of violations below is not an exhaustive list of all potential violations currently in existence at the Property, and the Village expressly reserves the right to assert claims for relief for these and any other violations determined to exist at the Property.

Numerous attempts have been made by the Village to seek compliance with these continuing violations and the owner of the Property has failed to comply.

DESCRIPTION OF FINDINGS OF VIOLATIONS

IFC 110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.	<ul style="list-style-type: none">Multiple buildings have broken pipes, broken windows, and holes in the roof causing large amounts of water damage and mold growth throughout the structure.
---	---



and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.	
IFC 110.1.1 Unsafe conditions. Structures or existing that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by section 311 shall be deemed unsafe.	<ul style="list-style-type: none">• The structures have not been maintained and secured properly leading to water damage and a large amount of mold growth throughout that is hazardous to firefighters and police officers who need to enter the structures due to calls of trespassers, broken pipes, animal and bird complaints, or any similar issues.
IFC 110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.	<ul style="list-style-type: none">• Bacterial growth issues need to be remediated
IFC 110.4 Abatement. The owner, operator or occupant of a building or premise deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved action.	<ul style="list-style-type: none">• Bacterial growth issues need to be remediated
IFC 311.2.2 Fire Protection. Fire alarm, sprinkler and stand pipe systems shall be maintained in an operable condition at all times.	<ul style="list-style-type: none">• Fire alarm and/or sprinkler systems on all properties are inoperable or out of service with outstanding fire alarm monitoring bills.• 513-515 Lincoln – fire alarm and sprinkler system are out of service – all conditions• 740 Elm – fire alarm system inoperable• 714-716 Elm – fire alarm out of service –



	<p>fire trouble</p> <ul style="list-style-type: none"> • 718-732 Elm – fire alarm out of service - all conditions
<p>IFC 311.3 Removal of combustibles. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry from unauthorized persons. The premise shall be maintained clear of waste or hazardous materials.</p>	<ul style="list-style-type: none"> • All properties have combustible materials and/or rubbish stored inside.
<p>IFC 901.6 Inspection testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire protection systems shall be inspected tested and maintained in accordance with NFPA 72.</p>	<ul style="list-style-type: none"> • Most properties experienced multiple broken water pipes due to lack of heat over the winter months. • 511 Lincoln – broken sprinkler and water pipes • 513-515 Lincoln – broken sprinkler and water pipes • 740 Elm – broken water pipes • 714-716 Elm – broken water pipes • 718-732 Elm – broken sprinkler and water pipes
<p>IPMC 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as</p>	<ul style="list-style-type: none"> • The structures at the Property are unsafe, insanitary, constitute a fire hazard, and are dangerous to human life or the public welfare • The structures at the Property are inadequately maintained and are open to the elements • The structures at the Property are vacant and are not secured against entry



provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.	
IPMC 304.7 Roof and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	<ul style="list-style-type: none"> • Roofs are leaking evidenced by presence of moisture, bacterial growth, and decaying ceiling tiles.
IPMC 304.13 Window, skylight, and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight. IPMC 304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.	<ul style="list-style-type: none"> • Many windows are broken and boarded up. Some of the boarded up windows contain openings that allow rain/snow and birds to enter the buildings.
IPMC 305.3 Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Decayed wood and other defective surface conditions shall be corrected.	<ul style="list-style-type: none"> • Bacterial growth is occurring on wall and ceiling surfaces. • Drop ceiling tiles are deteriorating and falling to the floor.
IPMC 308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	<ul style="list-style-type: none"> • Rubbish has accumulated on floors of building spaces.
IPMC 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible	<ul style="list-style-type: none"> • Given the leaking roof and the broken sprinkler heads, electrical equipment has been exposed to water and should be



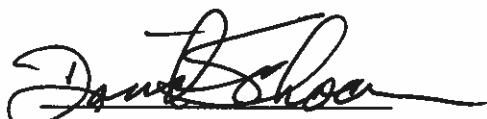
cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

examined to determine its compliance with Code.

Based on the above findings, the undersigned code officer(s) find the above-described Property to be unsafe and unfit for human occupancy and dangerous to the life, health, property or the safety of the public including, without limitation, because the Property does not the minimum safeguards to provide protection or warning in the event of a fire and the structures on the Property are damaged, decayed, dilapidated, unsanitary, remain open to the elements, and it is unreasonable to repair those structures.


Alan Berkowsky, Fire Chief

6-19-19
Date


David Schoon
Director of Community Development

6-19-19
Date

U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>
USPS® ARTICLE NUMBER	USPS® ARTICLE NUMBER	USPS® ARTICLE NUMBER	USPS® ARTICLE NUMBER
9314 7644 0430 0060 4837 65 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Signature Bank 6400 N. Northwest Chicago, IL 60631 Reference Information	9314 7644 0430 0060 4836 47 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: SB One Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr. Ste 207 Bannockburn, IL 60015 Reference Information	9314 7644 0430 0060 4837 65 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Ron Nuemann 610 Sheridan Road Winnetka, IL 60094 Reference Information	9314 7644 0430 0060 4837 66 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Bridgeview Bank Group 7940 S. Harlem Avenue Bridgeview, IL 60455 Reference Information
9314 7644 0430 0060 4837 30 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: SB One Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors, LLC 730 West Randolph Street Suite 500 Chicago, IL 60661 Reference Information	9314 7644 0430 0060 4837 46 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: HomeServices of Illinois, LLC c/o CT Corporation System, its Agent 208 South LaSalle Street Suite 814 Chicago, IL 60604 Reference Information	9314 7644 0430 0060 4837 84 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Sowlat Engineers, P.C. c/o Khosrow Sowlat, its Agent 233 N. Michigan Ave. Suite 1720 Chicago, IL 60601 Reference Information	9314 7644 0430 0060 4837 72 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: T2 Winnetka I, LLC c/o The Corporation Trust Co., Agent Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 Reference Information
9314 7644 0430 0060 4836 12 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Okrent Kiesel Associates Inc. c/o George v. Kiesel, its Agent 122 S. Michigan Ave. Ste 1200 Chicago, IL 60603 Reference Information	9314 7644 0430 0060 4836 07 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: SB Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr. Ste 207 Bannockburn, IL 60015 Reference Information	9314 7644 0430 0060 4836 14 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: SB Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors, LLC 730 West Randolph Street, Suite 501 Chicago, IL 60661 Reference Information	9314 7644 0430 0060 4837 34 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Elm Street Pharmacy, LLC c/o Mark Jacobs, its Agent 736 Elm Street Winnetka, IL 60093 Reference Information
9314 7644 0430 0060 4836 13 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Conney's Pharmacy, Inc. c/o Michael E. Braude, its Agent 650 Dundee Road Ste 456 Northbrook, IL 60062 Reference Information	9314 7644 0430 0060 4836 26 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: First American Bank 1650 Louis Avenue Elk Grove Village, IL 60007 Reference Information	9314 7644 0430 0060 4836 14 Certified Mail Fee \$ 3.50 Return Receipt (Hardcopy) \$ 2.80 Return Receipt (Electronic) \$ 0.00 Certified Mail Restricted Delivery \$ 0.00 Postage \$ 0.50 Total Postage and Fees \$ 6.80 Sent to: Lucien LaGrange Studio, LLC c/o Alfredo O. Marr, its Agent 730 West Randolph Street Suite 500 Chicago, IL 60661 Reference Information	

Registered NO.

RB364368215US

Date Stamp

0041
19To Be Completed
By Post Office

Reg. Fee	16	
Handling Charge	\$16.00	Return Receipt 4.10
Postage	1.15	Restricted Delivery \$4.10
Received by	\$0.00	
		\$21.25

Customer Must Declare
Full Value \$0.00Domestic Insurance up to \$50,000 is included
based upon the declared value. International
Indemnity is limited. (See Reverse).

06/21/2019

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be In Ballpoint or Typed

FROM	PETER M. FRIEDMAN HOLLAND & KNIGHT LLP 131 S. DEARBORN ST., 30th FL CHICAGO, IL 60603
TO	ROMPSEN MORTGAGE LIMITED PARTNERSHIP 162 CUMBERLAND ST., SUITE 300 TORONTO, ONTARIO M5R 3N2

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
January 2014 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com